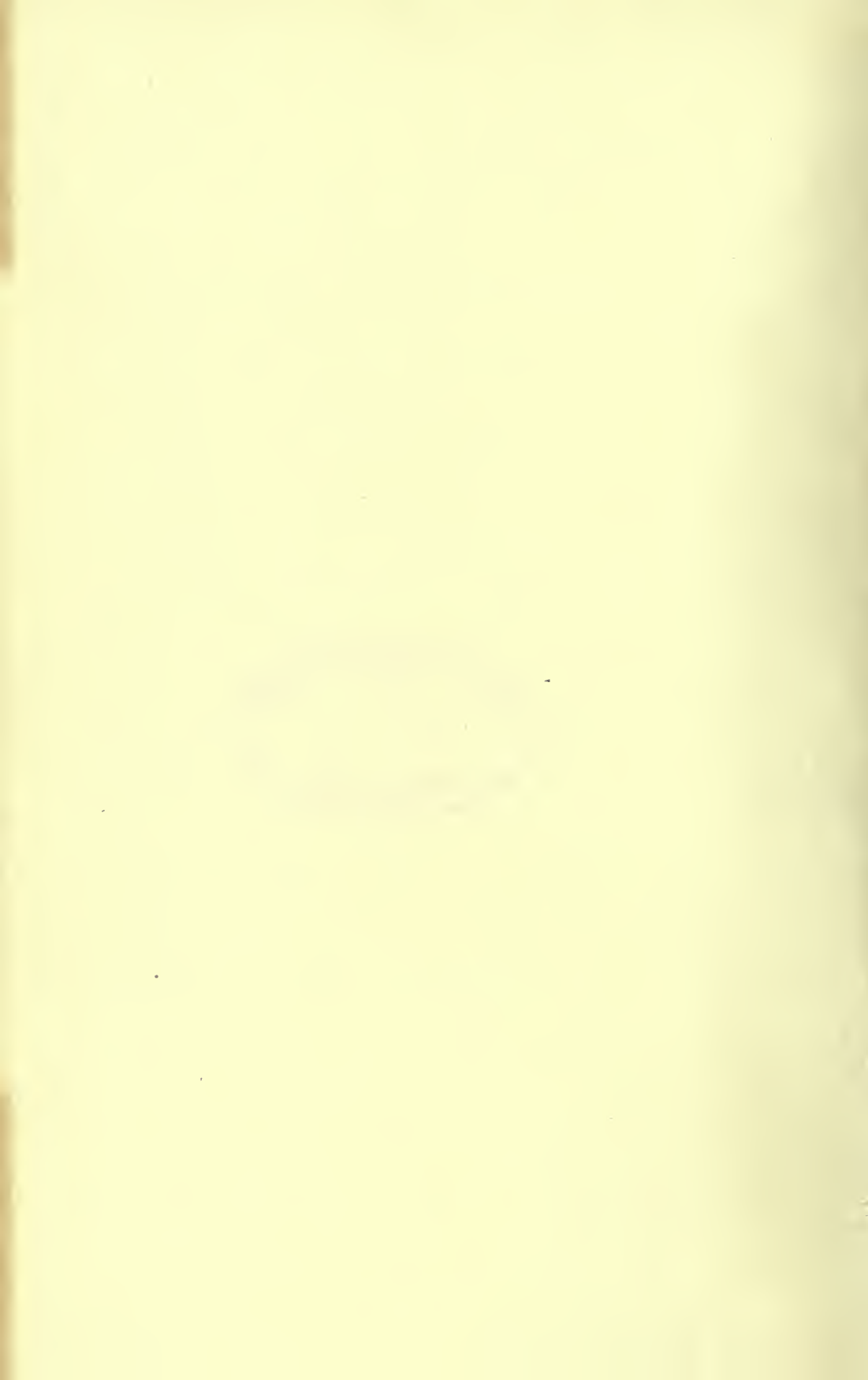


Ontario
Gov't. P





LEGISLATIVE ASSEMBLY OF ONTARIO

SECOND SESSION OF THE
TWENTY-SIXTH PARLIAMENT

122535

BILLS

AS INTRODUCED IN THE HOUSE

TOGETHER WITH

REPRINTS AND THIRD READINGS

SESSION

122535

NOVEMBER 22nd to DECEMBER 16th, 1960

and

JANUARY 24th to MARCH 29th, 1961

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and

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BILL 70

**2ND SESSION, 26TH LEGISLATURE, ONTARIO
9-10 ELIZABETH II, 1960-61**

An Act to amend The Theatres Act

MR. CATHCART

EXPLANATORY NOTES

SECTION 1. The definition of projectionist is amended to differentiate between persons operating standard projection equipment and those operating 16-millimetre equipment for which an operating licence is not required.

SECTION 2. The amendment authorizes the Board to classify film as restricted entertainment.

SECTIONS 3, 4. Power is given to an inspector to seize and dispose of advertising matter as well as projectors and film that are used contrary to the Act.

SECTION 5. The section repealed provides that a licence under this Act cannot be issued to any person who is not a British subject or who has not declared his intention of becoming a Canadian citizen.

SECTION 6. A Class C theatre is redefined to permit amateur performances where scenery and dressing rooms are not required.

An Act to amend The Theatres Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *j* of section 1 of *The Theatres Act* is amended by adding at the end thereof "designed for the use of standard film", so that the clause shall read as follows: R.S.O. 1960,
c. 396, s. 1,
cl. *j*,
amended

(*j*) "projectionist" means a person who operates a projector designed for the use of standard film.

2. Subsection 2 of section 3 of *The Theatres Act* is amended by striking out "and" at the end of clause *e* and by adding thereto the following clause: R.S.O. 1960,
c. 396, s. 3,
subs. 2,
amended

(*ee*) to classify any film as restricted entertainment; and

3. Clause *e* of subsection 2 of section 4 of *The Theatres Act* is amended by inserting after "film" in the second line "or advertising", so that the clause shall read as follows: R.S.O. 1960,
c. 396, s. 4,
subs. 2, cl. *e*,
amended

(*e*) to seize any projector installed or operated, or any film or advertising used or exhibited, contrary to this Act or the regulations.

4. Section 6 of *The Theatres Act* is amended by striking out "or film" in the first line and inserting in lieu thereof "film or advertising", so that the section shall read as follows: R.S.O. 1960,
c. 396, s. 6,
amended

6. Any projector, film or advertising seized by an inspector under this Act shall be disposed of as directed by the Minister. Disposal of
seized
projector,
film or
advertising

5. Section 10 of *The Theatres Act* is repealed.

R.S.O. 1960,
c. 396, s. 10,
repealed

6. Paragraph 3 of section 11 of *The Theatres Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 396, s. 11,
par. 3,
re-enacted

3. Class C theatre means a building in which standard film is used to exhibit moving pictures and that may be used to exhibit theatrical performances providing no movable scenery is used and no change of dress or costume is made in the theatre.

R.S.O. 1960,
c. 396, s. 16,
repealed

7. Section 16 of *The Theatres Act* is repealed.

R.S.O. 1960,
c. 396, s. 17,
cl. a,
amended

8. Clause a of section 17 of *The Theatres Act* is amended by striking out "or manager" in the first line and inserting in lieu thereof "manager or person in charge", so that the clause shall read as follows:

- (a) if the licensee, manager or person in charge of the theatre contravenes any of the provisions of this Act or the regulations; or

.

R.S.O. 1960,
c. 396, s. 20,
re-enacted

9. Section 20 of *Theatres Act* is repealed and the following substituted therefor:

Duty of
licensee, etc.

20. The licensee, manager or person in charge of a theatre is responsible for ensuring that the provisions of this Act and the regulations respecting theatres and the exhibition of moving pictures therein are complied with.

R.S.O. 1960,
c. 396, s. 22,
subs. 2,
amended

10. Subsection 2 of section 22 of *The Theatres Act* is amended by inserting after "theatre" in the first line "who desires standing areas in the theatre", so that the subsection shall read as follows:

Approval

- (2) The licensee of every theatre who desires standing areas in the theatre shall submit a plan of the foyer and lobby of the theatre, in triplicate, to the Director who shall indicate on the plan the standing areas approved by him and shall return one copy of the plan to the licensee.

R.S.O. 1960,
c. 396, s. 23,
subs. 1,
re-enacted

- 11.—(1) Subsection 1 of section 23 of *The Theatres Act* is repealed and the following substituted therefor:

Persons
under twelve
years attend-
ing theatres

- (1) No person apparently under twelve years of age not accompanied by a person apparently sixteen years or more of age shall be permitted to purchase a ticket of admission or be granted admission to an exhibition of moving pictures in a theatre,

- (a) after the hour of 7.30 p.m. on any day;

SECTION 7. The section providing that a theatre licence is subject to the condition that Sunday performances are not given is repealed.

SECTIONS 8, 9, 13, 14. The duties of the licensee or manager of a theatre under the Act are also made the responsibility of the person who may be in charge of a theatre during any period.

SECTION 10. The amendment provides that it is only necessary to submit plans of the foyer and lobby of a theatre in which standing privileges are desired by the licensee.

SECTION 11—Subsections 1, 2. At present, children under 14 years of age cannot attend a theatre after 6 p.m. unless accompanied by a person at least 18 years of age. The amendment provides that children under 12 cannot attend a theatre after 7.30 p.m. unless accompanied by a person at least 16 years of age.

Subsection 3. The new provision in subsection 4 provides that persons under 18 years of age cannot attend exhibitions of film classified as restricted entertainment. The new provision in subsection 5 provides that, where a person's age is in question in a prosecution under this Act, the magistrate shall determine age from his appearance and other relevant circumstances.

SECTION 12. The amendments provide for regulating advertising matter respecting film classified as restricted entertainment.

(b) during the school term of public and high schools in the municipality in which the theatre is situated, except,

(i) during school holidays between the hours of 9 a.m. and 7.30 p.m., and

(ii) during any other day during the term between the hours of 3.30 p.m. and 7.30 p.m.

(2) Subsection 2 of the said section 23 is amended by striking out "fourteen" in the second line and inserting in lieu thereof "twelve" and by striking out "eighteen" in the third line and inserting in lieu thereof "sixteen", so that the subsection shall read as follows:

R.S.O. 1960,
c. 396, s. 23,
subs. 2,
amended

(2) Where an exhibition of moving pictures is given in a Matron theatre and persons under twelve years of age not accompanied by persons sixteen years or more of age are permitted to attend, a matron shall be on duty in the theatre.

(3) The said section 23 is amended by adding thereto the following subsections:

R.S.O. 1960,
c. 396, s. 23,
amended

(4) No person apparently under eighteen years of age shall be permitted to purchase a ticket of admission or be granted admission to or permitted to remain in a theatre where a film classified as restricted entertainment is about to be or is being exhibited.

Persons
under 18
years
attending
restricted
film exhibi-
tions

(5) In any prosecution for a contravention of subsection 1 or 4, the magistrate shall determine from the appearance of any person and other relevant circumstances whether he is apparently under the age referred to in subsection 1 or 4, as the case may be.

Prosecution
under
subs. 1 or 4

12.—(1) Subsection 1 of section 26 of *The Theatres Act* is amended by inserting after "adult" in the first and fourth lines respectively "or restricted", so that the subsection shall read as follows:

R.S.O. 1960,
c. 396, s. 26,
subs. 1,
amended

(1) Where a film that has been classified as adult or restricted entertainment is exhibited in a theatre, such signs as the regulations may prescribe indicating that the film exhibited is adult or restricted entertainment shall be displayed in such manner as the regulations may prescribe.

Adult or
restricted
entertain-
ment

R.S.O. 1960, c. 396, s. 26, subs. 2, amended (2) Subsection 2 of the said section 26 is amended by inserting after "adult" in the second and fourth lines respectively "or restricted", so that the subsection shall read as follows:

Idem (2) All advertising matter in connection with a film classified by the Board as adult or restricted entertainment or the exhibition thereof shall indicate in such manner as the regulations may prescribe that the film is adult or restricted entertainment.

R.S.O. 1960, c. 396, s. 28, amended 13. Section 28 of *The Theatres Act* is amended by striking out "or manager" in the sixth line and inserting in lieu thereof "manager or person in charge", so that the section shall read as follows:

Operation of projector without licence 28. No person shall,
(a) operate a projector designed for the use of standard film; or

(b) operate a projector in a theatre,

unless such person is licensed as a projectionist under this Act and no licensee, manager or person in charge of a theatre shall permit any person to operate a projector in a theatre unless such person is licensed as a projectionist under this Act.

R.S.O. 1960, c. 396, s. 37, amended 14. Section 37 of *The Theatres Act* is amended by striking out "or manager" in the first line and inserting in lieu thereof "manager or person in charge", so that the section shall read as follows:

Responsibility of licensee, etc. 37. No licensee, manager or person in charge of a theatre shall knowingly permit a projectionist to contravene any of the provisions of this Act or the regulations.

R.S.O. 1960, c. 396, s. 47, cls. b, c, repealed 15. Clauses *b* and *c* of section 47 of *The Theatres Act* are repealed.

R.S.O. 1960, c. 396, s. 51, amended 16. Section 51 of *The Theatres Act* is amended by inserting after "exchange" in the first line "or agent therefor", so that the section shall read as follows:

Distribution of advertising matter 51. No film exchange or agent therefor shall supply any person with advertising matter in connection with film or the exhibition thereof that has not been approved by the Board.

SECTIONS 13, 14. See note re sections 8 and 9.

SECTIONS 15, 17. The provisions re the height and location of buildings for film exchanges and prohibiting smoking in such buildings are repealed. These provisions are no longer necessary because of the abolition of nitrate film.

SECTION 16. The amendment provides that no agent for a film exchange shall supply advertising matter that has not been approved by the Board. At present, the provision applies only to the film exchange.

SECTION 18. The amendments authorize the Lieutenant Governor in Council to make regulations prescribing the terms and conditions under which film may be exhibited and respecting the advertising of film classified as restricted entertainment.

17. Section 52 of *The Theatres Act* is repealed.

R.S.O. 1960,
c. 396, s. 52,
repealed

18.—(1) Paragraph 14 of subsection 1 of section 63 of *The Theatres Act* is amended by inserting after “leased” in the third line “exhibited”, so that the paragraph shall read as follows:

R.S.O. 1960,
c. 396, s. 63,
subs. 1,
par. 14,
amended

14. prescribing the terms and conditions under which film or any type or class thereof may be sold, rented, leased, exhibited or distributed.

(2) Paragraph 16 of subsection 1 of the said section 63 is amended by inserting after “adult” in the third line “or restricted”, so that the paragraph shall read as follows:

R.S.O. 1960,
c. 396, s. 63,
subs. 1,
par. 16,
amended

16. prescribing the signs that shall be displayed in respect of the exhibition in a theatre of film classified by the Board as adult or restricted entertainment and the manner in which the signs shall be displayed.

(3) Paragraph 17 of subsection 1 of the said section 63 is amended by inserting after “adult” in the third line “or restricted”, so that the paragraph shall read as follows:

R.S.O. 1960,
c. 396, s. 63,
subs. 1,
par. 17,
amended

17. prescribing the manner in which advertising matter in connection with any film classified by the Board as adult or restricted entertainment or the exhibition thereof shall indicate that the film has been so classified.

19. This Act may be cited as *The Theatres Amendment Act, 1960-61*.

Short title

An Act to amend
The Theatres Act

1st Reading

February 21st, 1961

2nd Reading

3rd Reading

MR. CATHCART

BILL 70

2ND SESSION, 26TH LEGISLATURE, ONTARIO
9-10 ELIZABETH II, 1960-61

An Act to amend The Theatres Act

MR. CATHCART

An Act to amend The Theatres Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *j* of section 1 of *The Theatres Act* is amended by adding at the end thereof "designed for the use of standard film", so that the clause shall read as follows: R.S.O. 1960,
c. 396, s. 1,
cl. *j*,
amended

(*j*) "projectionist" means a person who operates a projector designed for the use of standard film.

2. Subsection 2 of section 3 of *The Theatres Act* is amended by striking out "and" at the end of clause *e* and by adding thereto the following clause: R.S.O. 1960,
c. 396, s. 3,
subs. 2,
amended

(*ee*) to classify any film as restricted entertainment; and

.

3. Clause *e* of subsection 2 of section 4 of *The Theatres Act* is amended by inserting after "film" in the second line "or advertising", so that the clause shall read as follows: R.S.O. 1960,
c. 396, s. 4,
subs. 2, cl. *e*,
amended

(*e*) to seize any projector installed or operated, or any film or advertising used or exhibited, contrary to this Act or the regulations.

4. Section 6 of *The Theatres Act* is amended by striking out "or film" in the first line and inserting in lieu thereof "film or advertising", so that the section shall read as follows: R.S.O. 1960,
c. 396, s. 6,
amended

6. Any projector, film or advertising seized by an inspector under this Act shall be disposed of as directed by the Minister. Disposal of
seized
projector,
film or
advertising

5. Section 10 of *The Theatres Act* is repealed. R.S.O. 1960,
c. 396, s. 10,
repealed

6. Paragraph 3 of section 11 of *The Theatres Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 396, s. 11,
par. 3,
re-enacted

3. Class C theatre means a building in which standard film is used to exhibit moving pictures and that may be used to exhibit theatrical performances providing no movable scenery is used and no change of dress or costume is made in the theatre.

R.S.O. 1960,
c. 396, s. 16,
repealed

7. Section 16 of *The Theatres Act* is repealed.

R.S.O. 1960,
c. 396, s. 17,
cl. a,
amended

8. Clause a of section 17 of *The Theatres Act* is amended by striking out "or manager" in the first line and inserting in lieu thereof "manager or person in charge", so that the clause shall read as follows:

- (a) if the licensee, manager or person in charge of the theatre contravenes any of the provisions of this Act or the regulations; or

.

R.S.O. 1960,
c. 396, s. 20,
re-enacted

9. Section 20 of *Theatres Act* is repealed and the following substituted therefor:

Duty of
licensee, etc.

20. The licensee, manager or person in charge of a theatre is responsible for ensuring that the provisions of this Act and the regulations respecting theatres and the exhibition of moving pictures therein are complied with.

R.S.O. 1960,
c. 396, s. 22,
subs. 2,
amended

10. Subsection 2 of section 22 of *The Theatres Act* is amended by inserting after "theatre" in the first line "who desires standing areas in the theatre", so that the subsection shall read as follows:

Approval

- (2) The licensee of every theatre who desires standing areas in the theatre shall submit a plan of the foyer and lobby of the theatre, in triplicate, to the Director who shall indicate on the plan the standing areas approved by him and shall return one copy of the plan to the licensee.

R.S.O. 1960,
c. 396, s. 23,
subs. 1,
re-enacted

- 11.—(1) Subsection 1 of section 23 of *The Theatres Act* is repealed and the following substituted therefor:

Persons
under twelve
years attend-
ing theatres

- (1) No person apparently under twelve years of age not accompanied by a person apparently sixteen years or more of age shall be permitted to purchase a ticket of admission or be granted admission to an exhibition of moving pictures in a theatre,

- (a) after the hour of 7.30 p.m. on any day;

(b) during the school term of public and high schools in the municipality in which the theatre is situated, except,

(i) during school holidays between the hours of 9 a.m. and 7.30 p.m., and

(ii) during any other day during the term between the hours of 3.30 p.m. and 7.30 p.m.

(2) Subsection 2 of the said section 23 is amended by striking out "fourteen" in the second line and inserting in lieu thereof "twelve" and by striking out "eighteen" in the third line and inserting in lieu thereof "sixteen", so that the subsection shall read as follows:

R.S.O. 1960,
c. 396, s. 23,
subs. 2,
amended

(2) Where an exhibition of moving pictures is given in a Matron theatre and persons under twelve years of age not accompanied by persons sixteen years or more of age are permitted to attend, a matron shall be on duty in the theatre.

(3) The said section 23 is amended by adding thereto the following subsections:

R.S.O. 1960,
c. 396, s. 23,
amended

(4) No person apparently under eighteen years of age shall be permitted to purchase a ticket of admission or be granted admission to or permitted to remain in a theatre where a film classified as restricted entertainment is about to be or is being exhibited.

Persons
under 18
years
attending
restricted
film exhibi-
tions

(5) In any prosecution for a contravention of subsection 1 or 4, the magistrate shall determine from the appearance of any person and other relevant circumstances whether he is apparently under the age referred to in subsection 1 or 4, as the case may be.

Prosecution
under
subs. 1 or 4

12.—(1) Subsection 1 of section 26 of *The Theatres Act* is amended by inserting after "adult" in the first and fourth lines respectively "or restricted", so that the subsection shall read as follows:

R.S.O. 1960,
c. 396, s. 26,
subs. 1,
amended

(1) Where a film that has been classified as adult or restricted entertainment is exhibited in a theatre, such signs as the regulations may prescribe indicating that the film exhibited is adult or restricted entertainment shall be displayed in such manner as the regulations may prescribe.

Adult or
restricted
entertain-
ment

R.S.O. 1960, c. 396, s. 26, subs. 2, amended (2) Subsection 2 of the said section 26 is amended by inserting after "adult" in the second and fourth lines respectively "or restricted", so that the subsection shall read as follows:

Idem (2) All advertising matter in connection with a film classified by the Board as adult or restricted entertainment or the exhibition thereof shall indicate in such manner as the regulations may prescribe that the film is adult or restricted entertainment.

R.S.O. 1960, c. 396, s. 37, amended **13.** Section 28 of *The Theatres Act* is amended by striking out "or manager" in the sixth line and inserting in lieu thereof "manager or person in charge", so that the section shall read as follows:

Operation of projector without licence 28. No person shall,
(a) operate a projector designed for the use of standard film; or

(b) operate a projector in a theatre,

unless such person is licensed as a projectionist under this Act and no licensee, manager or person in charge of a theatre shall permit any person to operate a projector in a theatre unless such person is licensed as a projectionist under this Act.

R.S.O. 1960, c. 396, s. 37, amended **14.** Section 37 of *The Theatres Act* is amended by striking out "or manager" in the first line and inserting in lieu thereof "manager or person in charge", so that the section shall read as follows:

Responsibility of licensee, etc. 37. No licensee, manager or person in charge of a theatre shall knowingly permit a projectionist to contravene any of the provisions of this Act or the regulations.

R.S.O. 1960, c. 396, s. 47, cls. b, c, repealed **15.** Clauses *b* and *c* of section 47 of *The Theatres Act* are repealed.

R.S.O. 1960, c. 396, s. 51, amended **16.** Section 51 of *The Theatres Act* is amended by inserting after "exchange" in the first line "or agent therefor", so that the section shall read as follows:

Distribution of advertising matter 51. No film exchange or agent therefor shall supply any person with advertising matter in connection with film or the exhibition thereof that has not been approved by the Board.

17. Section 52 of *The Theatres Act* is repealed.

R.S.O. 1960,
c. 396, s. 52,
repealed

18.—(1) Paragraph 14 of subsection 1 of section 63 of *The Theatres Act* is amended by inserting after “leased” in the third line “exhibited”, so that the paragraph shall read as follows:

R.S.O. 1960,
c. 396, s. 63,
subs. 1,
par. 14,
amended

14. prescribing the terms and conditions under which film or any type or class thereof may be sold, rented, leased, exhibited or distributed.

(2) Paragraph 16 of subsection 1 of the said section 63 is amended by inserting after “adult” in the third line “or restricted”, so that the paragraph shall read as follows:

R.S.O. 1960,
c. 396, s. 63,
subs. 1,
par. 16,
amended

16. prescribing the signs that shall be displayed in respect of the exhibition in a theatre of film classified by the Board as adult or restricted entertainment and the manner in which the signs shall be displayed.

(3) Paragraph 17 of subsection 1 of the said section 63 is amended by inserting after “adult” in the third line “or restricted”, so that the paragraph shall read as follows:

R.S.O. 1960,
c. 396, s. 63,
subs. 1,
par. 17,
amended

17. prescribing the manner in which advertising matter in connection with any film classified by the Board as adult or restricted entertainment or the exhibition thereof shall indicate that the film has been so classified.

19. This Act may be cited as *The Theatres Amendment Act, 1960-61*.

Short title

An Act to amend
The Theatres Act

1st Reading

February 21st, 1961

2nd Reading

February, 27th, 1961

3rd Reading

March 2nd, 1961

MR. CATHCART

BILL 71

2ND SESSION, 26TH LEGISLATURE, ONTARIO
9-10 ELIZABETH II, 1960-61

An Act to amend The Homes for the Aged Act

MR. CECILE

EXPLANATORY NOTES

SECTION 1—Subsection 1. The amendment provides a standard for the qualifications of a superintendent of a home and permits the temporary appointment of a superintendent on a probationary basis.

Subsection 2. This subsection provides for the appointment of a physician for a home.

BILL 71

1960-61

An Act to amend The Homes for the Aged Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 8 of *The Homes for the Aged Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 174, s. 8, ¹
subs. 1,
re-enacted

(1) Subject to subsection 1a, the council of a municipality that establishes and maintains a home or the councils of the municipalities that establish and maintain a joint home or the board of management of a home shall, with the approval of the Lieutenant Governor in Council, appoint a superintendent for the home or joint home who has, in the opinion of the Minister, served satisfactorily as a superintendent for a period of at least six months and has successfully completed a course of instruction that is approved by the Minister. Superin-
tendent,
appointment

(1a) The council of a municipality that establishes and maintains a home or the councils of the municipalities that establish and maintain a joint home or the board of management of a home may appoint a person to act temporarily as superintendent of the home or joint home for a period not exceeding one year. temporary
appointment

(2) The said section 8 is amended by adding thereto the following subsection: R.S.O. 1960,
c. 174, s. 8,
amended

(3) The council of a municipality that establishes and maintains a home or the councils of the municipalities that establish and maintain a joint home or the board of management of a home shall, with the approval of the Minister, appoint a legally qualified medical practitioner as the physician for the home or joint home who is responsible for the medical care and services provided to the residents thereof. Medical
care

R.S.O. 1960,
c. 174, s. 13,
re-enacted

2. Section 13 of *The Homes for the Aged Act* is repealed and the following substituted therefor:

Who may
be admitted
and
maintained

13. Any person,

- (a) who is over the age of sixty years and incapable of supporting himself or unable to care properly for himself;
- (b) who is over the age of sixty years and mentally incompetent and who requires care, supervision and control for his protection, but who is not a mentally ill person or a mentally defective person within the meaning of *The Mental Hospitals Act* and who is not eligible for admission to an institution under that Act;
- (c) who is over the age of sixty years and who requires bed care and general personal nursing services, but does not require care in a hospital; or
- (d) who is under the age of sixty years and who because of special circumstances cannot be cared for adequately elsewhere, if his admission is approved by the Minister,

R.S.O. 1960,
c. 236

may be admitted to and maintained in a home or joint home by the committee of management or the board of management, as the case may be, upon receipt of,

- (e) an authorization in the prescribed form signed by the head of the council of a city, town, village or township or, in a county in which the county council has designated the warden to sign such authorization, by the warden or, in a city having a population of not less than 100,000, by such member of the council as the mayor has designated or, where the person resides in unorganized territory, by a regional welfare administrator of the Department of Public Welfare or any other employee of the Department of Public Welfare designated by the Minister for the purpose;
- (f) an application in the prescribed form signed by the applicant;
- (g) a consent to inspect assets in the prescribed form signed by the applicant;

SECTION 2. Section 13 of the Act is re-enacted to clarify the qualifications for admission to a home and the procedure.

SECTION 3. The amendment imposes the same requirements for placement in special-home care as for admission to a home.

SECTION 4. The purpose of the amendment is to make the title of the official mentioned agree with present departmental practice.

SECTION 5—Subsections 1, 2 and 4. The purpose of these amendments is to place the equalization of assessments of municipalities contributing to the maintenance of homes in territorial districts and the apportionment of costs of the homes on the same basis as that used for homes in southern Ontario.

- (h) a statement of particulars in the prescribed form signed by the welfare officer of the municipality or by a regional welfare administrator of the Department of Public Welfare or any other employee of the Department of Public Welfare designated by the Minister for the purpose; and
- (i) a statement in the prescribed form certifying that the applicant is eligible for admission to the home or joint home under clause *a*, *b*, *c* or *d* and signed by the physician of the home or joint home.

3. Subsection 4 of section 15 of *The Homes for the Aged Act* R.S.O. 1960, c. 174, s. 15, subs. 4, amended is amended by adding at the end thereof "and section 13 applies *mutatis mutandis* to the placing of a person in special-home care", so that the subsection shall read as follows:

- (4) A person placed in special-home care shall for all other purposes be deemed to be a resident of the home or joint home and section 13 applies *mutatis mutandis* to the placing of a person in special-home care. Person considered a resident of the home

4. Section 17 of *The Homes for the Aged Act* is amended by R.S.O. 1960, c. 174, s. 17, amended striking out "a district welfare administrator or district welfare supervisor" in the fourth and fifth lines and inserting in lieu thereof "a regional welfare administrator", so that the section shall read as follows:

- 17. A public welfare administrator or public welfare Affidavits commissioner of a county, city, separated town, town, village or township, or any of his assistants authorized by the municipal council, and a regional welfare administrator of the Department of Public Welfare and any other employee of the Department of Public Welfare designated by the Minister under this Act has power to take affidavits and statutory declarations for the purpose of this Act in the same manner and to the same extent as a commissioner for taking affidavits in Ontario.

5.—(1) Subsection 1 of section 19 of *The Homes for the Aged Act* is amended by striking out "last revised assessment rolls as equalized" in the fourth and fifth lines and inserting in lieu thereof "assessment rolls as revised and equalized in the immediately preceding year", so that the subsection shall read as follows: R.S.O. 1960, c. 174, s. 19, subs. 1, amended

Maintenance
of homes in
districts

- (1) The cost of maintaining a home established under section 4 shall be defrayed in each year by the municipalities in the territorial district in proportion to the amounts of their assessments according to their assessment rolls as revised and equalized in the immediately preceding year.

R.S.O. 1960,
c. 174, s. 19,
subs. 2,
amended

- (2) Subsection 2 of the said section 19 is amended by striking out "before the 10th day of February" in the third line, so that the subsection shall read as follows:

Assessment
to be
revised
and
equalized

- (2) For the purposes of this Act, the assessor of a territorial district or, if there is no district assessor, the Department of Municipal Affairs shall in each year revise and equalize the assessment rolls of the municipalities in each territorial district.

R.S.O. 1960,
c. 174, s. 91,
amended

- (3) The said section 19 is amended by adding thereto the following subsection:

Operating
reserve

- (3a) In preparing the estimates, the board may provide for a reserve for working funds, but the amount of the reserve in a year shall not exceed 15 per cent of the total estimates of the board for the year.

R.S.O. 1960,
c. 174, s. 19,
subs. 5,
amended

- (4) Subsection 5 of the said section 19 is amended by inserting after "Affairs" in the third line "under subsection 2" and by striking out "according to their assessment rolls as returned" in the sixth and seventh lines and inserting in lieu thereof "most recently equalized", so that the subsection shall read as follows:

Where
assessments
not
equalized
in time

- (5) Where in any year the last revised assessment rolls of the municipalities in the district are not equalized by the district assessor or the Department of Municipal Affairs under subsection 2 before the 10th day of February, the board of management may apportion the amount that it estimates to be required in proportion to the amounts of their assessments most recently equalized, and in that case shall reapportion the amount and make the necessary adjustments after the equalization is completed.

R.S.O. 1960,
c. 174, s. 23,
subs. 3,
amended

6. Subsection 3 of section 23 of *The Homes for the Aged Act* is amended by striking out "fifteen" in the fifth line and inserting in lieu thereof "eight", so that the subsection shall read as follows:

What to be
included and
excluded in
computing
cost

- (3) In computing the amount of the cost of the new building, or the alteration of a building by an addition

Subsection 3. The subsection added permits boards of management of homes in districts, as do local boards, to provide in their estimates for a reserve for working funds in the same way as councils of municipalities can for homes in southern Ontario.

SECTION 6. The amendment reduces the number of acres that may be included in the computation of the provincial subsidy for building or expanding a home from fifteen acres to eight acres.

or extension for the purposes of subsection 1, the cost of equipment and furnishings may be included, but the cost of any land in excess of eight acres and the cost of any barns or other similar outbuildings shall not be included.

7. This Act comes into force on the day it receives Royal ^{Commence-} Assent._{ment}

8. This Act may be cited as *The Homes for the Aged Amendment Act, 1960-61.* Short title

An Act to amend
The Homes of the Aged Act

1st Reading

February 21st, 1961

2nd Reading

3rd Reading

MR. CECILE

BILL 71

2ND SESSION, 26TH LEGISLATURE, ONTARIO
9-10 ELIZABETH II, 1960-61

An Act to amend The Homes for the Aged Act

MR. CECILE

BILL 71

1960-61

An Act to amend The Homes for the Aged Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 8 of *The Homes for the Aged Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 174, s. 8,
subs. 1,
re-enacted

(1) Subject to subsection 1a, the council of a municipality that establishes and maintains a home or the councils of the municipalities that establish and maintain a joint home or the board of management of a home shall, with the approval of the Lieutenant Governor in Council, appoint a superintendent for the home or joint home who has, in the opinion of the Minister, served satisfactorily as a superintendent for a period of at least six months and has successfully completed a course of instruction that is approved by the Minister. Superintendent,
appointment

(1a) The council of a municipality that establishes and maintains a home or the councils of the municipalities that establish and maintain a joint home or the board of management of a home may appoint a person to act temporarily as superintendent of the home or joint home for a period not exceeding one year. temporary
appointment

(2) The said section 8 is amended by adding thereto the following subsection: R.S.O. 1960,
c. 174, s. 8,
amended

(3) The council of a municipality that establishes and maintains a home or the councils of the municipalities that establish and maintain a joint home or the board of management of a home shall, with the approval of the Minister, appoint a legally qualified medical practitioner as the physician for the home or joint home who is responsible for the medical care and services provided to the residents thereof. Medical
care

R.S.O. 1960,
c. 174, s. 13,
re-enacted

2. Section 13 of *The Homes for the Aged Act* is repealed and the following substituted therefor:

Who may
be admitted
and
maintained

13. Any person,

- (a) who is over the age of sixty years and incapable of supporting himself or unable to care properly for himself;
- (b) who is over the age of sixty years and mentally incompetent and who requires care, supervision and control for his protection, but who is not a mentally ill person or a mentally defective person within the meaning of *The Mental Hospitals Act* and who is not eligible for admission to an institution under that Act;
- (c) who is over the age of sixty years and who requires bed care and general personal nursing services, but does not require care in a hospital; or
- (d) who is under the age of sixty years and who because of special circumstances cannot be cared for adequately elsewhere, if his admission is approved by the Minister,

R.S.O. 1960,
c. 236

may be admitted to and maintained in a home or joint home by the committee of management or the board of management, as the case may be, upon receipt of,

- (e) an authorization in the prescribed form signed by the head of the council of a city, town, village or township or, in a county in which the county council has designated the warden to sign such authorization, by the warden or, in a city having a population of not less than 100,000, by such member of the council as the mayor has designated or, where the person resides in unorganized territory, by a regional welfare administrator of the Department of Public Welfare or any other employee of the Department of Public Welfare designated by the Minister for the purpose;
- (f) an application in the prescribed form signed by the applicant;
- (g) a consent to inspect assets in the prescribed form signed by the applicant;

- (h) a statement of particulars in the prescribed form signed by the welfare officer of the municipality or by a regional welfare administrator of the Department of Public Welfare or any other employee of the Department of Public Welfare designated by the Minister for the purpose; and
- (i) a statement in the prescribed form certifying that the applicant is eligible for admission to the home or joint home under clause *a*, *b*, *c* or *d* and signed by the physician of the home or joint home.

3. Subsection 4 of section 15 of *The Homes for the Aged Act* is amended by adding at the end thereof "and section 13 applies *mutatis mutandis* to the placing of a person in special-home care", so that the subsection shall read as follows: R.S.O. 1960,
c. 174, s. 15,
subs. 4, amended

- (4) A person placed in special-home care shall for all other purposes be deemed to be a resident of the home or joint home and section 13 applies *mutatis mutandis* to the placing of a person in special-home care. Person
considered
a resident
of the home

4. Section 17 of *The Homes for the Aged Act* is amended by striking out "a district welfare administrator or district welfare supervisor" in the fourth and fifth lines and inserting in lieu thereof "a regional welfare administrator", so that the section shall read as follows: R.S.O. 1960,
c. 174, s. 17,
amended

- 17. A public welfare administrator or public welfare commissioner of a county, city, separated town, town, village or township, or any of his assistants authorized by the municipal council, and a regional welfare administrator of the Department of Public Welfare and any other employee of the Department of Public Welfare designated by the Minister under this Act has power to take affidavits and statutory declarations for the purpose of this Act in the same manner and to the same extent as a commissioner for taking affidavits in Ontario. Affidavits

5.—(1) Subsection 1 of section 19 of *The Homes for the Aged Act* is amended by striking out "last revised assessment rolls as equalized" in the fourth and fifth lines and inserting in lieu thereof "assessment rolls as revised and equalized in the immediately preceding year", so that the subsection shall read as follows: R.S.O. 1960,
c. 174, s. 19,
subs. 1,
amended

Maintenance
of homes in
districts

- (1) The cost of maintaining a home established under section 4 shall be defrayed in each year by the municipalities in the territorial district in proportion to the amounts of their assessments according to their assessment rolls as revised and equalized in the immediately preceding year.

R.S.O. 1960,
c. 174, s. 19,
subs. 2,
amended

- (2) Subsection 2 of the said section 19 is amended by striking out "before the 10th day of February" in the third line, so that the subsection shall read as follows:

Assessment
to be
revised
and
equalized

- (2) For the purposes of this Act, the assessor of a territorial district or, if there is no district assessor, the Department of Municipal Affairs shall in each year revise and equalize the assessment rolls of the municipalities in each territorial district.

R.S.O. 1960,
c. 174, s. 91,
amended

- (3) The said section 19 is amended by adding thereto the following subsection:

Operating
reserve

- (3a) In preparing the estimates, the board may provide for a reserve for working funds, but the amount of the reserve in a year shall not exceed 15 per cent of the total estimates of the board for the year.

R.S.O. 1960,
c. 174, s. 19,
subs. 5,
amended

- (4) Subsection 5 of the said section 19 is amended by inserting after "Affairs" in the third line "under subsection 2" and by striking out "according to their assessment rolls as returned" in the sixth and seventh lines and inserting in lieu thereof "most recently equalized", so that the subsection shall read as follows:

Where
assessments
not
equalized
in time

- (5) Where in any year the last revised assessment rolls of the municipalities in the district are not equalized by the district assessor or the Department of Municipal Affairs under subsection 2 before the 10th day of February, the board of management may apportion the amount that it estimates to be required in proportion to the amounts of their assessments most recently equalized, and in that case shall reapportion the amount and make the necessary adjustments after the equalization is completed.

R.S.O. 1960,
c. 174, s. 23,
subs. 3,
amended

6. Subsection 3 of section 23 of *The Homes for the Aged Act* is amended by striking out "fifteen" in the fifth line and inserting in lieu thereof "eight", so that the subsection shall read as follows:

What to be
included and
excluded in
computing
cost

- (3) In computing the amount of the cost of the new building, or the alteration of a building by an addition

or extension for the purposes of subsection 1, the cost of equipment and furnishings may be included, but the cost of any land in excess of eight acres and the cost of any barns or other similar outbuildings shall not be included.

7. This Act comes into force on the day it receives Royal ^{Commence-}
Assent._{ment}

8. This Act may be cited as *The Homes for the Aged Amendment Act, 1960-61*. ^{Short title}

An Act to amend
The Homes for the Aged Act

1st Reading

February 21st, 1961

2nd Reading

February 24th, 1961

3rd Reading

February 28th, 1961

MR. CECILE

BILL 72

2ND SESSION, 26TH LEGISLATURE, ONTARIO
9-10 ELIZABETH II, 1960-61

An Act to amend The Execution Act

MR. ROBERTS

EXPLANATORY NOTE

The amendment requires fuller identification of execution debtors to reduce the likelihood of the execution affecting the title to lands of persons with similar names.

BILL 72

1960-61

An Act to amend The Execution Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 9 of *The Execution Act* is amended by inserting after "Act" in the first line "and to section 9a", so that the subsection shall read as follows:

R.S.O. 1960,
c. 126, s. 9,
subs. 1,
amended

- (1) Subject to *The Land Titles Act* and to section 9a, a writ of execution binds the goods and lands against which it is issued from the time of the delivery thereof to the sheriff for execution, but save as to bills of sale and chattel mortgages, no writ of execution against goods prejudices the title to such goods acquired by a person in good faith and for valuable consideration unless such person had, at the time when he acquired his title, notice that such writ or any other writ by virtue of which the goods of the execution debtor might be seized or attached has been delivered to the sheriff and remains in his hands unexecuted.

R.S.O. 1960,
c. 204

2. *The Execution Act* is amended by adding thereto the following section:

R.S.O. 1960,
c. 126,
amended

9a.—(1) A writ of execution does not bind land unless, Name of debtor

- (a) the name of the execution debtor set out in the writ or renewal includes at least one given name in full; or
- (b) a declaration of the execution creditor or his solicitor is filed with the sheriff identifying the execution debtor by at least one given name in full.

- (2) Where a declaration is filed under clause *b* of subsection 1, the name of the execution debtor set out

When writ
binds land

in the writ shall be deemed to contain the given names affirmed in the declaration and the writ binds land from the time the declaration is filed.

Application **3.** Section 2 applies to writs of execution filed or renewed after this Act comes into force.

Short title **4.** This Act may be cited as *The Execution Amendment Act, 1960-61*.

An Act to amend
The Execution Act

1st Reading

February 21st, 1961

2nd Reading

3rd Reading

MR. ROBERTS

BILL 72

2ND SESSION, 26TH LEGISLATURE, ONTARIO
9-10 ELIZABETH II, 1960-61

An Act to amend The Execution Act

MR. ROBERTS

(Reprinted for consideration by the Committee on Legal Bills)

EXPLANATORY NOTE

The amendment requires fuller identification of execution debtors to reduce the likelihood of the execution affecting the title to lands of persons with similar names.

In addition, the sheriff is required to notify the Land Titles Office of the withdrawal of writs of execution that are filed in the Land Titles Office.

BILL 72

1960-61

An Act to amend The Execution Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 9 of *The Execution Act* is amended by inserting after "Act" in the first line "and to section 9a", so that the subsection shall read as follows: R.S.O. 1960,
c. 126, s. 9,
subs. 1,
amended

- (1) Subject to *The Land Titles Act* and to section 9a, a writ of execution binds the goods and lands against which it is issued from the time of the delivery thereof to the sheriff for execution, but save as to bills of sale and chattel mortgages, no writ of execution against goods prejudices the title to such goods acquired by a person in good faith and for valuable consideration unless such person had, at the time when he acquired his title, notice that such writ or any other writ by virtue of which the goods of the execution debtor might be seized or attached has been delivered to the sheriff and remains in his hands unexecuted. Writs
against
lands and
goods
R.S.O. 1960,
c. 204

2.—(1) *The Execution Act* is amended by adding thereto the following sections: R.S.O. 1960,
c. 126,
amended

9a.—(1) Where the name of an execution debtor set out in a writ of execution is not that of a corporation or the firm name of a partnership, the writ does not bind the lands of the execution debtor unless, Writ not to
bind lands
unless name
of debtor
sufficient

(a) the name of the execution debtor set out in the writ includes at least one given name in full; or

(b) a statutory declaration of the execution creditor or his solicitor is filed with the sheriff identifying the execution debtor by at least one given name in full.

When writ
binds land

- (2) Subject to subsection 3, where a statutory declaration is filed under clause *b* of subsection 1, the name of the execution debtor set out in the writ shall be deemed to contain the given names affirmed in the declaration and the writ binds land from the time the declaration is filed.

Transmission
to
Land Titles
Office

R.S.O. 1960,
c. 204

- (3) Where a statutory declaration is filed under clause *b* of subsection 1 in respect of a writ of execution of which a copy has been transmitted to the proper master of titles under section 145 of *The Land Titles Act*, the sheriff shall transmit a copy of the declaration to the proper master of titles and the writ does not bind land registered under *The Land Titles Act* until the copy of the declaration has been received by the proper master of titles.

Notice to
Land Titles
Office of
withdrawal
of writ of
execution

- 9b. Where a writ of execution or renewal thereof of which a copy was transmitted to the proper master of titles under section 145 of *The Land Titles Act* is withdrawn, the sheriff shall forthwith transmit to the proper master of titles a certificate under his hand stating that the writ has been withdrawn.

Application

- (2) Section 9a of *The Execution Act*, as enacted by subsection 1, applies only to writs of execution filed or renewed after this Act comes into force.

Short title

3. This Act may be cited as *The Execution Amendment Act, 1960-61*.

An Act to amend
The Execution Act

1st Reading

February 21st, 1961

2nd Reading

February 24th, 1961

3rd Reading

MR. ROBERTS

(*Reprinted for consideration by the
Committee on Legal Bills*)

BILL 72

2ND SESSION, 26TH LEGISLATURE, ONTARIO
9-10 ELIZABETH II, 1960-61

An Act to amend The Execution Act

MR. ROBERTS

BILL 72

1960-61

An Act to amend The Execution Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 9 of *The Execution Act* is amended R.S.O. 1960, c. 126, s. 9, subs. 1, amended by inserting after "Act" in the first line "and to section 9a", so that the subsection shall read as follows:

- (1) Subject to *The Land Titles Act* and to section 9a, a writ of execution binds the goods and lands against which it is issued from the time of the delivery thereof to the sheriff for execution, but save as to bills of sale and chattel mortgages, no writ of execution against goods prejudices the title to such goods acquired by a person in good faith and for valuable consideration unless such person had, at the time when he acquired his title, notice that such writ or any other writ by virtue of which the goods of the execution debtor might be seized or attached has been delivered to the sheriff and remains in his hands unexecuted. R.S.O. 1960, c. 204

2.—(1) *The Execution Act* is amended by adding thereto the following sections: R.S.O. 1960, c. 126, amended

9a.—(1) Where the name of an execution debtor set out in a writ of execution is not that of a corporation or the firm name of a partnership, the writ does not bind the lands of the execution debtor unless Writ not to bind lands unless name of debtor sufficient

- (a) the name of the execution debtor set out in the writ includes at least one given name in full; or
- (b) a statutory declaration of the execution creditor or his solicitor is filed with the sheriff identifying the execution debtor by at least one given name in full.

When writ
binds land

- (2) Subject to subsection 3, where a statutory declaration is filed under clause *b* of subsection 1, the name of the execution debtor set out in the writ shall be deemed to contain the given names affirmed in the declaration and the writ binds land from the time the declaration is filed.

Transmission
to
land titles
office

R.S.O. 1960,
c. 204

- (3) Where a statutory declaration is filed under clause *b* of subsection 1 in respect of a writ of execution of which a copy has been transmitted to the proper master of titles under section 145 of *The Land Titles Act*, the sheriff shall transmit a copy of the declaration to the proper master of titles and the writ does not bind land registered under *The Land Titles Act* until the copy of the declaration has been received by the proper master of titles.

Notice to
land titles
office of
withdrawal
of writ of
execution

- 9*b*. Where a writ of execution or renewal thereof of which a copy was transmitted to the proper master of titles under section 145 of *The Land Titles Act* is withdrawn, the sheriff shall forthwith transmit to the proper master of titles a certificate under his hand stating that the writ has been withdrawn.

Application

- (2) Section 9*a* of *The Execution Act*, as enacted by subsection 1, applies only to writs of execution filed or renewed after this Act comes into force.

Short title

3. This Act may be cited as *The Execution Amendment Act, 1960-61*.

An Act to amend
The Execution Act

1st Reading

February 21st, 1961

2nd Reading

February 24th, 1961

3rd Reading

March 29th, 1961

MR. ROBERTS

BILL 73

**2ND SESSION, 26TH LEGISLATURE, ONTARIO
9-10 ELIZABETH II, 1960-61**

An Act to amend The Judicature Act

MR. ROBERTS

EXPLANATORY NOTES

SECTION 1. The present section 99 is obsolete as the same matter, namely, the appointment of stenographic reporters in the county and surrogate courts, is dealt with in section 13 of *The County Judges Act*.

SECTION 2. The provision is re-enacted in order to clarify its intent and to bring it into line with existing practices.

BILL 73

1960-61

An Act to amend The Judicature Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 99 of *The Judicature Act* is repealed. R.S.O. 1960,
c. 197, s. 99,
repealed
2. Subsection 2 of section 105 of *The Judicature Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 197, s. 105,
subs. 2,
re-enacted
 - (2) The Official Guardian shall be the guardian *ad litem* Duties
or next friend of infants and other persons in accordance with any Act or the rules or an order of a court or judge.
3. This Act comes into force on the day it receives Royal Assent. Commence-
ment
4. This Act may be cited as *The Judicature Amendment Act, 1960-61*. Short title

An Act to amend
The Judicature Act

1st Reading

February 21st, 1961

2nd Reading

3rd Reading

MR. ROBERTS

BILL 73

2ND SESSION, 26TH LEGISLATURE, ONTARIO
9-10 ELIZABETH II, 1960-61

An Act to amend The Judicature Act

MR. ROBERTS

BILL 73

1960-61

An Act to amend The Judicature Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 99 of *The Judicature Act* is repealed. R.S.O. 1960,
c. 197, s. 99,
repealed
2. Subsection 2 of section 105 of *The Judicature Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 197, s. 105,
subs. 2,
re-enacted
 - (2) The Official Guardian shall be the guardian *ad litem* Duties
or next friend of infants and other persons in accordance with any Act or the rules or an order of a court or judge.
3. This Act comes into force on the day it receives Royal Assent. Commence-
ment
4. This Act may be cited as *The Judicature Amendment Act, 1960-61*. Short title

An Act to amend
The Judicature Act

1st Reading

February 21st, 1961

2nd Reading

February 24th, 1961

3rd Reading

March 10th, 1961

MR. ROBERTS

BILL 74

2ND SESSION, 26TH LEGISLATURE, ONTARIO
9-10 ELIZABETH II, 1960-61

An Act to amend The Mortgage Brokers Registration Act

MR. ROBERTS

EXPLANATORY NOTES

These amendments add provisions to the Act, similar in principle to provisions in other Acts, designed to assist in the proper administration of the Act.

SECTION 1. Self-explanatory. The new provisions are similar to section 37 of *The Real Estate and Business Brokers Act*.

SECTION 2. The new powers are appropriate in cases where the Superintendent holds a hearing and review of a decision that affects a person's registration or his right to register. Similar powers appear in clause (a) of section 24 (3) of *The Real Estate and Business Brokers Act*.

SECTION 3. This new clause will authorize the making of regulations the subject matter specified. It is similar to clause (c) of section 88 (3) *The Insurance Act*.

BILL 74

1960-61

An Act to amend The Mortgage Brokers Registration Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 7 of *The Mortgage Brokers Registration Act* is amended by adding thereto the following subsections: R.S.O. 1960,
c. 244, s. 7,
amended

- (2) The Registrar may at any time make an inspection of the books, documents and records of any mortgage broker. Inspection
of books,
accounts,
etc.
- (3) Upon an inspection under subsection 2, the Registrar is entitled to free access to all books of account, cash, documents, bank accounts, vouchers, correspondence and records of every description of the mortgage broker, and no person shall withhold or destroy, conceal or refuse to furnish any information or thing reasonably required by the Registrar for the purposes of the inspection. Free access
to books,
etc.

2. Section 11 of *The Mortgage Brokers Registration Act* is amended by adding thereto the following subsection: R.S.O. 1960,
c. 244, s. 11,
amended

- (3a) Upon a review, the Superintendent has the same power to summon and enforce the attendance of witnesses and compel them to give evidence on oath or otherwise, and to produce documents, records and things, as is vested in the Supreme Court or a judge thereof for the trial of civil actions, but the rules of court or of law relating to the service of subpoenas upon, and to the payment of conduct money or witness fees to, witnesses do not apply. Power to
summon
witnesses
and require
production

3. Section 15 of *The Mortgage Brokers Registration Act* is amended by adding thereto the following clause: R.S.O. 1960,
c. 244, s. 15,
amended

- (cc) prescribing the limitations and conditions subject to which a person may be registered.

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Mortgage Brokers Registration Amendment Act, 1960-61*.

An Act to amend
The Mortgage Brokers Registration Act

1st Reading

February 21st, 1961

2nd Reading

3rd Reading

MR. ROBERTS

BILL 74

**2ND SESSION, 26TH LEGISLATURE, ONTARIO
9-10 ELIZABETH II, 1960-61**

An Act to amend The Mortgage Brokers Registration Act

MR. ROBERTS

BILL 74

1960-61

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HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

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c. 244, s. 15,
amended

- (cc) prescribing the limitations and conditions subject to which a person may be registered.

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Mortgage Brokers Registration Amendment Act, 1960-61*.

An Act to amend
The Mortgage Brokers Registration Act

1st Reading

February 21st, 1961

2nd Reading

February 24th, 1961

3rd Reading

March 10th, 1961

MR. ROBERTS

BILL 75

**2ND SESSION, 26TH LEGISLATURE, ONTARIO
9-10 ELIZABETH II, 1960-61**

An Act to amend The Police Act

MR. ROBERTS

EXPLANATORY NOTE

The amendment provides for the organization of police during an emergency and for the creation of auxiliary police.

BILL 75

1960-61

An Act to amend The Police Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Police Act* is amended by adding thereto the following Part: R.S.O. 1960,
c. 298,
amended

PART IV-A

EMERGENCY POLICE

45a. In this Part,

Interpre-
tation

(a) "emergency" means,

(i) a real or apprehended war, invasion or insurrection proclaimed to exist under the *War Measures Act* (Canada), or R.S.C. 1952,
c. 288

(ii) a natural emergency declared to exist under section 45b;

(b) "member" includes an auxiliary member.

45b. A minister designated by the Lieutenant Governor in Council for the purpose may declare a natural emergency to exist during the time and in the part of Ontario that he designates. Declaration
of natural
emergency

45c.—(1) An authority empowered by this Act to appoint members of a police force may appoint a number of auxiliary members not exceeding the number of other members of the force. Appointment
of auxiliary
police

(2) Where an emergency exists, each auxiliary member of every police force having jurisdiction in the area in which the emergency exists becomes a constable and has authority to act as a constable of the police force. Authority

Duty of
Com-
missioner

45d. Where an emergency exists, the Commissioner has general command and control of all police forces and the members thereof.

Resignations
R.S.C. 1952,
c. 184

45e. Subject to sections 34 and 35 of the *National Defence Act* (Canada), during an emergency no member of a police force having jurisdiction in the area in which the emergency exists shall resign without the consent of the Commissioner.

Agreements
for addi-
tional police
services

45f. Where an emergency exists, the Attorney General may make agreements with the Crown in right of Canada or of any other province or any agency thereof for the provision of additional police services and, upon the agreement being made, all peace officers to whom the agreement relates are authorized to act as constables in the area in which the emergency exists.

Short title

2. This Act may be cited as *The Police Amendment Act, 1960-61*.

An Act to amend
The Police Act

1st Reading

February 21st, 1961

2nd Reading

3rd Reading

MR. ROBERTS

BILL 75

2ND SESSION, 26TH LEGISLATURE, ONTARIO
9-10 ELIZABETH II, 1960-61

An Act to amend The Police Act

MR. ROBERTS

BILL 75

1960-61

An Act to amend The Police Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Police Act* is amended by adding thereto the following Part: R.S.O. 1960,
c. 298,
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PART IV-A

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45b. A minister designated by the Lieutenant Governor in Council for the purpose may declare a natural emergency to exist during the time and in the part of Ontario that he designates. Declaration
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45c.—(1) An authority empowered by this Act to appoint members of a police force may appoint a number of auxiliary members not exceeding the number of other members of the force. Appointment
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(2) Where an emergency exists, each auxiliary member of every police force having jurisdiction in the area in which the emergency exists becomes a constable and has authority to act as a constable of the police force. Authority

Duty of
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45d. Where an emergency exists, the Commissioner has general command and control of all police forces and the members thereof.

Resignations
R.S.C. 1952,
c. 184

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Agreements
for addi-
tional police
services

45f. Where an emergency exists, the Attorney General may make agreements with the Crown in right of Canada or of any other province or any agency thereof for the provision of additional police services and, upon the agreement being made, all peace officers to whom the agreement relates are authorized to act as constables in the area in which the emergency exists.

Short title

2. This Act may be cited as *The Police Amendment Act, 1960-61*.

An Act to amend
The Police Act

1st Reading

February 21st, 1961

2nd Reading

February 24th, 1961

3rd Reading

March 10th, 1961

MR. ROBERTS

BILL 76

2ND SESSION, 26TH LEGISLATURE, ONTARIO
9-10 ELIZABETH II, 1960-61

An Act to amend The Regulations Act

MR. ROBERTS

EXPLANATORY NOTE

At present, regulations made by a conservation authority under *The Conservation Authorities Act* are not required to be filed under *The Regulations Act*. It is proposed in Bill 83 to amend *The Conservation Authorities Act* to give power to an authority to make regulations, subject to the approval of the Lieutenant Governor in Council, to regulate the use by the public of lands and facilities of an authority and to regulate traffic on the roads and the setting and extinguishment of fires on land of the authority. Power is also given to impose fines for contraventions of any of these regulations. These regulations are of a legislative nature and should be filed under *The Regulations Act*.

The Regulations Act is, therefore, amended to provide that only the procedural regulations respecting the internal administration of an authority, now authorized under section 21 of *The Conservation Authorities Act*, are not required to be filed.

BILL 76

1960-61

An Act to amend The Regulations Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subclause ii of clause *d* of section 1 of *The Regulations Act* is amended by inserting after "under" in the fourth line "section 21 of", so that the subclause shall read as follows: R.S.O. 1960,
c. 349, s. 1,
cl. *d*,
subcl. ii,
amended

(ii) a regulation made under *The Broker-Dealers Act*, 1947, c. 8;
R.S.O. 1960,
cc. 393, 47,
62, 322, 6 1947, *The Teaching Profession Act*, section 76 of *The Cemeteries Act* or by an authority under section 21 of *The Conservation Authorities Act*, or a by-law of a hospital made under *The Public Hospitals Act*, or the constitution and by-laws of an association made under *The Agricultural Associations Act*.

2. This Act may be cited as *The Regulations Amendment Act*, 1960-61. Short title

An Act to amend
The Regulations Act

1st Reading

February 21st, 1961

2nd Reading

3rd Reading

MR. ROBERTS

BILL 76

2ND SESSION, 26TH LEGISLATURE, ONTARIO
9-10 ELIZABETH II, 1960-61

An Act to amend The Regulations Act

MR. ROBERTS

BILL 76

1960-61

An Act to amend The Regulations Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:

1. Subclause ii of clause *d* of section 1 of *The Regulations Act* is amended by inserting after "under" in the fourth line "section 21 of", so that the subclause shall read as follows: R.S.O. 1960, c. 349, s. 1, cl. d, subcl. ii, amended

(ii) a regulation made under *The Broker-Dealers Act*, 1947, c. 8; R.S.O. 1960, cc. 393, 47, 62, 322, 6 1947, *The Teaching Profession Act*, section 76 of *The Cemeteries Act* or by an authority under section 21 of *The Conservation Authorities Act*, or a by-law of a hospital made under *The Public Hospitals Act*, or the constitution and by-laws of an association made under *The Agricultural Associations Act*.

2. This Act may be cited as *The Regulations Amendment Act*, 1960-61. Short title

An Act to amend
The Regulations Act

1st Reading

February 21st, 1961

2nd Reading

February 24th, 1961

3rd Reading

March 10th, 1961

MR. ROBERTS

BILL 77

2ND SESSION, 26TH LEGISLATURE, ONTARIO
9-10 ELIZABETH II, 1960-61

An Act to amend The Trustee Act

MR. ROBERTS

EXPLANATORY NOTE

What has come to be known as the Rule in *Allhusen v. Whittell* began in England about a century ago as a rule of equity to balance the interests of life tenants and remaindermen in estates of deceased persons. The rule is complex and unsatisfactory. In England it is usually avoided by so stating in the will; in other jurisdictions the rule has been abrogated by statute.

There is doubt as to whether the rule is, or should be, law in Ontario. In most cases it would appear that the rule is not applied.

The purpose of this Bill is to clarify and make uniform the law in this respect.

The effect of this Bill is to abrogate the Rule in *Allhusen v. Whittell* in Ontario, to enact positive rules, and to validate the actions of executors, etc., who have heretofore followed the Rule in *Allhusen v. Whittell*.

BILL 77

1960-61

An Act to amend The Trustee Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Trustee Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 408,
amended

48a.—(1) Unless a contrary intention appears from the will, Application -
of income of
estate of
deceased
person

(a) the personal representative of a deceased person, in paying the debts, funeral and testamentary expenses, estate, legacy, succession and inheritance taxes or duties, legacies, or other similar disbursements, shall not apply or be deemed to have applied any income of the estate in or towards the payment of any part of the capital of any such disbursements or of any part of the interest, if any, due thereon at the date of death of such person;

(b) until the payment of the debts, funeral and testamentary expenses, estate, legacy, succession and inheritance taxes or duties, legacies, or other similar disbursements mentioned in clause *a*, the income from the property required for the payment thereof, with the exception of any part of such income applied in the payment of any interest accruing due thereon after the date of death of the deceased, shall be treated and applied as income of the residuary estate,

provided that, in any case where the assets of the estate are not sufficient to pay the aforesaid disbursements in full, the income shall be applied in making up such deficiency.

(2) Subsection 1 shall be deemed always to have been *Idem* part of the law of Ontario.

Part applica-
tion of
other rules
validated

- (3) Notwithstanding subsections 1 and 2, in any case in which the personal representative has before the coming into force of this section applied any rule of law or of administration different from the provisions of subsection 1, such application is valid and effective.

Short title

2. This Act may be cited as *The Trustee Amendment Act, 1960-61*.

An Act to amend The Trustee Act

1st Reading

February 21st, 1961

2nd Reading

3rd Reading

MR. ROBERTS

BILL 77

2ND SESSION, 26TH LEGISLATURE, ONTARIO
9-10 ELIZABETH II, 1960-61

An Act to amend The Trustee Act

MR. ROBERTS

BILL 77

1960-61

An Act to amend The Trustee Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Trustee Act* is amended by adding thereto the following section: R.S.O. 1960,
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48a.—(1) Unless a contrary intention appears from the will, Application
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- (a) the personal representative of a deceased person, in paying the debts, funeral and testamentary expenses, estate, legacy, succession and inheritance taxes or duties, legacies, or other similar disbursements, shall not apply or be deemed to have applied any income of the estate in or towards the payment of any part of the capital of any such disbursements or of any part of the interest, if any, due thereon at the date of death of such person;
- (b) until the payment of the debts, funeral and testamentary expenses, estate, legacy, succession and inheritance taxes or duties, legacies, or other similar disbursements mentioned in clause *a*, the income from the property required for the payment thereof, with the exception of any part of such income applied in the payment of any interest accruing due thereon after the date of death of the deceased, shall be treated and applied as income of the residuary estate,

provided that, in any case where the assets of the estate are not sufficient to pay the aforesaid disbursements in full, the income shall be applied in making up such deficiency.

- (2) Subsection 1 shall be deemed always to have been *Idem* part of the law of Ontario.

Part applica-
tion of
other rules
validated

- (3) Notwithstanding subsections 1 and 2, in any case in which the personal representative has before the coming into force of this section applied any rule of law or of administration different from the provisions of subsection 1, such application is valid and effective.

Short title

2. This Act may be cited as *The Trustee Amendment Act, 1960-61*.

An Act to amend The Trustee Act

1st Reading

February 21st, 1961

2nd Reading

February 24th, 1961

3rd Reading

March 10th, 1961

MR. ROBERTS

BILL 78

2ND SESSION, 26TH LEGISLATURE, ONTARIO
9-10 ELIZABETH II, 1960-61

An Act to amend The Vendors and Purchasers Act

MR. ROBERTS

EXPLANATORY NOTE

At the present time, it is not clear whether applications under the Act to the court should be made in court or in chambers.

The purpose of this Bill is to make it clear that such applications are to be made in court and not in chambers.

BILL 78

1960-61

An Act to amend The Vendors and Purchasers Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 3 of *The Vendors and Purchasers Act* is amended by striking out “or a judge thereof” in the third and fourth lines and by striking out “or the judge” in the ninth line, so that the subsection shall read as follows:

R.S.O. 1960,
c. 414, s. 3,
subs. 1,
amended

- (1) A vendor or purchaser of real or leasehold estate or his representative may at any time and from time to time apply in a summary way to the Supreme Court or to the county or district court of the county or district in which the land or any part thereof is situate in respect of any requisition or objection or any claim for compensation or any other question arising out of or connected with the contract, except a question affecting the existence or validity of the contract, and the court may make such order upon the application as may be deemed just.

Applications
to court
as to
requisitions,
objections,
compensa-
tion, etc.

(2) Subsection 5 of the said section 3 is amended by striking out “or judge” in the second line, so that the subsection shall read as follows:

R.S.O. 1960,
c. 414, s. 3,
subs. 5,
amended

- (5) Where an application under subsection 1 is made to or is removed into the Supreme Court, the court may refer any question to a master or other officer for inquiry and report.

Reference
to master

2. This Act may be cited as *The Vendors and Purchasers Amendment Act, 1960-61*.

Short title

An Act to amend
The Vendors and Purchasers Act

1st Reading

February 21st, 1961

2nd Reading

3rd Reading

MR. ROBERTS

BILL 78

**2ND SESSION, 26TH LEGISLATURE, ONTARIO
9-10 ELIZABETH II, 1960-61**

An Act to amend The Vendors and Purchasers Act

MR. ROBERTS

BILL 78

1960-61

An Act to amend The Vendors and Purchasers Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 3 of *The Vendors and Purchasers Act* is amended by striking out “or a judge thereof” in the third and fourth lines and by striking out “or the judge” in the ninth line, so that the subsection shall read as follows: R.S.O. 1960,
c. 414, s. 3,
subs. 1,
amended

- (1) A vendor or purchaser of real or leasehold estate or his representative may at any time and from time to time apply in a summary way to the Supreme Court or to the county or district court of the county or district in which the land or any part thereof is situate in respect of any requisition or objection or any claim for compensation or any other question arising out of or connected with the contract, except a question affecting the existence or validity of the contract, and the court may make such order upon the application as may be deemed just. Applications
to court
as to
requisitions,
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(2) Subsection 5 of the said section 3 is amended by striking out “or judge” in the second line, so that the subsection shall read as follows: R.S.O. 1960,
c. 414, s. 3,
subs. 5,
amended

- (5) Where an application under subsection 1 is made to or is removed into the Supreme Court, the court may refer any question to a master or other officer for inquiry and report. Reference
to master

2. This Act may be cited as *The Vendors and Purchasers Amendment Act, 1960-61*. Short title

An Act to amend
The Vendors and Purchasers Act

1st Reading

February 21st, 1961

2nd Reading

February 24th, 1961

3rd Reading

March 19th, 1961

MR. ROBERTS

BILL 79

**2ND SESSION, 26TH LEGISLATURE, ONTARIO
9-10 ELIZABETH II, 1960-61**

An Act to amend The Wages Act

MR. ROBERTS

EXPLANATORY NOTE

The subsection is re-enacted in an attempt to clarify the intent, namely, to permit an assignment of a portion of a debtor's wages but to make invalid an assignment of all of a debtor's wages.

BILL 79

1960-61

An Act to amend The Wages Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 6 of section 7 of *The Wages Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 421, s. 7,
subs. 6,
re-enacted

- (6) Any contract hereafter made may provide for the assignment by the debtor to the creditor of a portion of the debtor's wages up to but not exceeding the portion thereof that is liable to attachment or seizure under this section, and any provision of any contract hereafter made that provides for the assignment by the debtor to the creditor of a greater portion of the debtor's wages than is permissible under this subsection is invalid.

Assignment
of wages

2. This Act comes into force on the day it receives Royal Assent.

Royal
Commence-
ment

3. This Act may be cited as *The Wages Amendment Act*, Short title 1960-61.

An Act to amend The Wages Act

1st Reading

February 21st, 1961

2nd Reading

3rd Reading

MR. ROBERTS

BILL 79

2ND SESSION, 26TH LEGISLATURE, ONTARIO
9-10 ELIZABETH II, 1960-61

An Act to amend The Wages Act

MR. ROBERTS

BILL 79

1960-61

An Act to amend The Wages Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 6 of section 7 of *The Wages Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 421, s. 7,
subs. 6,
re-enacted

(6) Any contract hereafter made may provide for the assignment by the debtor to the creditor of a portion of the debtor's wages up to but not exceeding the portion thereof that is liable to attachment or seizure under this section, and any provision of any contract hereafter made that provides for the assignment by the debtor to the creditor of a greater portion of the debtor's wages than is permissible under this subsection is invalid. Assignment
of wages

2. This Act comes into force on the day it receives Royal Assent. Commence-
ment

3. This Act may be cited as *The Wages Amendment Act*, Short title 1960-61. Short title

An Act to amend The Wages Act

1st Reading

February 21st, 1961

2nd Reading

February 24th, 1961

3rd Reading

March 10th, 1961

MR. ROBERTS

BILL 80

2ND SESSION, 26TH LEGISLATURE, ONTARIO
9-10 ELIZABETH II, 1960-61

An Act to amend The Teachers' Superannuation Act

MR. ROBARTS

EXPLANATORY NOTES

SECTION 1. The subsection is re-enacted in order to extend its scope to include the case of a teacher coming within clause *b*, that is, to enable an unqualified teacher in a designated private school to write himself out of the Act within three months after becoming qualified as a teacher.

SECTION 2. The intent of the provision is clarified. No change in principle.

BILL 80

1960-61

An Act to amend The Teachers' Superannuation Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 5 of section 17 of *The Teachers' Superannuation Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 392, s. 17,
subs. 5,
re-enacted

(5) Every person,

Exceptions

- (a) who was qualified as a teacher under the Acts and regulations administered by the Department and who was on the teaching staff of a designated private school at the time the designation became effective; or
- (b) who was not qualified as a teacher under the Acts and regulations administered by the Department and who was on the teaching staff of a designated private school at the time the designation became effective and who became so qualified after the designation became effective,

may, by notice in writing to the governing body of the school and to the Commission, given within three months after the designation became effective if under clause *a* or within three months after becoming qualified if under clause *b*, exclude himself from the benefits and obligations of this Act during the time that he is on the teaching staff of a designated private school.

2. Section 52 of *The Teachers' Superannuation Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 392, s. 52,
re-enacted

Return of
super-
annuate to
employment

52. Where a person who is in receipt of a superannuation allowance becomes employed, no refund in respect of his contributions made after his return to employment shall be made except as provided in section 55.

Special
U. of T.
group

3. Every person,

- (a) who was a contributor to the University of Toronto Pension Fund;
- (b) who has transferred or transfers to the Teachers' Superannuation Fund;
- (c) who has credit in the Teachers' Superannuation Fund for a period of fifteen or more school years; and
- (d) who had or has credit in the University of Toronto Pension Fund for a period which, if that period and the period mentioned in clause *c* had both been served under *The Teachers' Superannuation Act*, would have entitled him to a superannuation allowance under that Act,

R.S.O. 1960,
c. 392

is entitled to a superannuation allowance under that Act calculated on the basis of his average salary for the last ten years for which he contributed to the Teachers' Superannuation Fund and bearing the same ratio to the allowance to which he would have been entitled if he had contributed to the Teachers' Superannuation Fund for the period for which he contributed to the University of Toronto Pension Fund as the number of his years of contribution to the Teachers' Superannuation Fund bears to the number, not exceeding thirty-five, of his years of contribution to the Teachers' Superannuation Fund and the University of Toronto Pension Fund.

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Teachers' Superannuation Amendment Act, 1960-61*.

SECTION 3. This provision will enable the members of the staff of the Ontario College of Education, who have heretofore transferred or hereafter transfer from the University of Toronto Pension Fund to the Teachers' Superannuation Fund, to count the thirteen years from 1947 to 1960 for pension purposes in the same way as do teachers who leave their contributions in the pension fund of England and come to Ontario to teach.

An Act to amend
The Teachers' Superannuation Act

1st Reading

February 22nd, 1961

2nd Reading

3rd Reading

MR. ROBARTS

BILL 80

2ND SESSION, 26TH LEGISLATURE, ONTARIO
9-10 ELIZABETH II, 1960-61

**An Act to amend
The Teachers' Superannuation Act**

MR. ROBARTS

BILL 80

1960-61

An Act to amend The Teachers' Superannuation Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 5 of section 17 of *The Teachers' Superannuation Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 392, s. 17,
subs. 5,
re-enacted

(5) Every person,

Exceptions

- (a) who was qualified as a teacher under the Acts and regulations administered by the Department and who was on the teaching staff of a designated private school at the time the designation became effective; or
- (b) who was not qualified as a teacher under the Acts and regulations administered by the Department and who was on the teaching staff of a designated private school at the time the designation became effective and who became so qualified after the designation became effective,

may, by notice in writing to the governing body of the school and to the Commission, given within three months after the designation became effective if under clause *a* or within three months after becoming qualified if under clause *b*, exclude himself from the benefits and obligations of this Act during the time that he is on the teaching staff of a designated private school.

2. Section 52 of *The Teachers' Superannuation Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 392, s. 52,
re-enacted

Return of
super-
annuate to
employment

52. Where a person who is in receipt of a superannuation allowance becomes employed, no refund in respect of his contributions made after his return to employment shall be made except as provided in section 55.

Special
U. of T.
group

3. Every person,

- (a) who was a contributor to the University of Toronto Pension Fund;
- (b) who has transferred or transfers to the Teachers' Superannuation Fund;
- (c) who has credit in the Teachers' Superannuation Fund for a period of fifteen or more school years; and
- (d) who had or has credit in the University of Toronto Pension Fund for a period which, if that period and the period mentioned in clause *c* had both been served under *The Teachers' Superannuation Act*, would have entitled him to a superannuation allowance under that Act,

R.S.O. 1960,
c. 392

is entitled to a superannuation allowance under that Act calculated on the basis of his average salary for the last ten years for which he contributed to the Teachers' Superannuation Fund and bearing the same ratio to the allowance to which he would have been entitled if he had contributed to the Teachers' Superannuation Fund for the period for which he contributed to the University of Toronto Pension Fund as the number of his years of contribution to the Teachers' Superannuation Fund bears to the number, not exceeding thirty-five, of his years of contribution to the Teachers' Superannuation Fund and the University of Toronto Pension Fund.

Commence-
ment₄

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Teachers' Superannuation Amendment Act, 1960-61*.

An Act to amend
The Teachers' Superannuation Act

1st Reading

February 22nd, 1961

2nd Reading

February 27th, 1961

3rd Reading

March 2nd, 1961

MR. ROBARTS

BILL 81

**2ND SESSION, 26TH LEGISLATURE, ONTARIO
9-10 ELIZABETH II, 1960-61**

An Act to amend The Ontario-St. Lawrence Development Commission Act

MR. NICKLE

EXPLANATORY NOTE

At present, the annual report of The Ontario-St. Lawrence Development Commission is made to the Minister but filed with and tabled by the Provincial Secretary. The amendment would make the Minister responsible for receiving and tabling the report.

BILL 81

1960-61

An Act to amend The Ontario-St. Lawrence Development Commission Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 16 of *The Ontario-St. Lawrence Development Commission Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 279, s. 16, re-enacted

- 16.—(1) The Commission shall file a report annually with the Minister containing such information as the Minister may require. Annual report
- (2) The Minister shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. This Act may be cited as *The Ontario-St. Lawrence Development Commission Amendment Act, 1960-61*. Short title

An Act to amend
The Ontario-St. Lawrence
Development Commission Act

1st Reading

February 22nd, 1961

2nd Reading

3rd Reading

MR. NICKLE

BILL 81

2ND SESSION, 26TH LEGISLATURE, ONTARIO
9-10 ELIZABETH II, 1960-61

An Act to amend The Ontario-St. Lawrence Development Commission Act

MR. NICKLE

BILL 81

1960-61

An Act to amend The Ontario-St. Lawrence Development Commission Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 16 of *The Ontario-St. Lawrence Development Commission Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 279, s. 16, re-enacted

- 16.—(1) The Commission shall file a report annually with the Minister containing such information as the Minister may require. Annual report
- (2) The Minister shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. This Act may be cited as *The Ontario-St. Lawrence Development Commission Amendment Act, 1960-61*. Short title

An Act to amend
The Ontario-St. Lawrence
Development Commission Act

1st Reading

February 22nd, 1961

2nd Reading

February 27th, 1961

3rd Reading

March 2nd, 1961

MR. NICKLE

BILL 82

2ND SESSION, 26TH LEGISLATURE, ONTARIO
9-10 ELIZABETH II, 1960-61

An Act to amend The Housing Development Act

MR. NICKLE

EXPLANATORY NOTES

SECTION 1. The amendment provides for acquiring and converting existing housing accommodation for the purpose of housing projects.

SECTION 2. "Minister of Planning and Development" is changed throughout the Act to "Minister of Commerce and Development".

BILL 82

1960-61

An Act to amend The Housing Development Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 6 of *The Housing Development Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 182, s. 6,
subs. 1,
re-enacted

- (1) The Crown in right of Ontario represented by the Minister of Commerce and Development may make joint housing projects authorized agreements with the Crown in right of Canada represented by the Minister of Public Works or such other Minister as may be authorized in that behalf respecting joint projects as contemplated in section 36 of the *National Housing Act, 1954* (Canada) for, 1953-54,
c. 23 (Can.)
- (a) the acquisition and development of land for housing purposes;
 - (b) the construction of housing projects for sale or for rent; and
 - (c) the acquisition, improvement and conversion for housing purposes of existing buildings situated in an area specified as an urban renewal area in an agreement between the Crown in right of Ontario, a municipality and Central Mortgage and Housing Corporation established by *The Central Mortgage and Housing Corporation Act* (Canada). 1945
(2nd Sess.),
c. 15 (Can.)

2. *The Housing Development Act* is amended by striking out "Minister of Planning and Development", R.S.O. 1960,
c. 182,
amended

- (a) in the first line of subsection 1 of section 7;
- (b) in the sixth and seventh lines of subsection 2 of section 7;

- (c) in the first line of subsection 3 of section 7;
- (d) in the third line of subsection 4 of section 7;
- (e) in the first and second lines of section 12;
- (f) in the second and third lines of subsection 1 of section 16;
- (g) in the second and third lines of subsection 2 of section 16;
- (h) in the first and second lines of section 17; and
- (i) in the second and third lines of section 18,

respectively, and inserting in lieu thereof "Minister of Commerce and Development".

Commence-
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The Housing Development Amendment Act, 1960-61*.

An Act to amend
The Housing Development Act

1st Reading

February 22nd, 1961

2nd Reading

3rd Reading

MR. NICKLE

BILL 82

2ND SESSION, 26TH LEGISLATURE, ONTARIO
9-10 ELIZABETH II, 1960-61

An Act to amend The Housing Development Act

MR. NICKLE

BILL 82

1960-61

An Act to amend The Housing Development Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 6 of *The Housing Development Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 182, s. 6,
subs. 1,
re-enacted

- (1) The Crown in right of Ontario represented by the Minister of Commerce and Development may make agreements with the Crown in right of Canada represented by the Minister of Public Works or such other Minister as may be authorized in that behalf respecting joint projects as contemplated in section 36 of the *National Housing Act, 1954* (Canada) for, Joint
housing
projects
authorized

1953-54,
c. 23 (Can.)
- (a) the acquisition and development of land for housing purposes;
- (b) the construction of housing projects for sale or for rent; and
- (c) the acquisition, improvement and conversion for housing purposes of existing buildings situated in an area specified as an urban renewal area in an agreement between the Crown in right of Ontario, a municipality and Central Mortgage and Housing Corporation established by *The Central Mortgage and Housing Corporation Act* (Canada). 1945
(2nd Sess.),
c. 15 (Can.)

2. *The Housing Development Act* is amended by striking out "Minister of Planning and Development", R.S.O. 1960,
c. 182,
amended

- (a) in the first line of subsection 1 of section 7;
- (b) in the sixth and seventh lines of subsection 2 of section 7;

- (c) in the first line of subsection 3 of section 7;
- (d) in the third line of subsection 4 of section 7;
- (e) in the first and second lines of section 12;
- (f) in the second and third lines of subsection 1 of section 16;
- (g) in the second and third lines of subsection 2 of section 16;
- (h) in the first and second lines of section 17; and
- (i) in the second and third lines of section 18,

respectively, and inserting in lieu thereof "Minister of Commerce and Development".

Commence-
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The Housing Development Amendment Act, 1960-61*.

An Act to amend
The Housing Development Act

1st Reading

February 22nd, 1961

2nd Reading

February 27th, 1961

3rd Reading

March 2nd, 1961

MR. NICKLE

BILL 83

2ND SESSION, 26TH LEGISLATURE, ONTARIO
9-10 ELIZABETH II, 1960-61

An Act to amend The Conservation Authorities Act

MR. NICKLE

EXPLANATORY NOTE

The new section 20a authorizes an authority to make regulations, subject to the approval of the Lieutenant Governor in Council, applicable to lands owned by the authority, with respect to the matters set out in section 1 of the Bill.

BILL 83

1960-61

An Act to amend The Conservation Authorities Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Conservation Authorities Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 62,
amended

20a.—(1) Subject to the approval of the Lieutenant Governor in Council, an authority may make regulations applicable to lands owned by the authority, Regulations

- (a) regulating and governing the use by the public of the lands and the works, vehicles, boats, services and things of the authority;
- (b) providing for the protection and preservation from damage of the property of the authority;
- (c) prescribing fees for the occupation and use of lands and works, vehicles, boats, recreational facilities and services;
- (d) prescribing permits designating privileges in connection with use of the lands or any part thereof and prescribing fees for such permits;
- (e) regulating and governing vehicular and pedestrian traffic and prohibiting the use of any class of vehicle or classes of vehicles;
- (f) prohibiting or regulating and governing the erection, posting up or other display of notices, signs, sign boards and other advertising devices;
- (g) prescribing terms and conditions under which horses, dogs and other animals may be allowed on the lands or any part thereof;

R.S.O. 1960,
c. 152

(h) subject to *The Forest Fires Prevention Act* and the regulations made thereunder, prohibiting or regulating and governing the use, setting and extinguishment of fires;

(i) imposing fines not exceeding \$100 for a contravention of any regulation.

Offences

R.S.O. 1960,
c. 387

(2) Any offence against a regulation made by an authority under this section is punishable under *The Summary Convictions Act* and the fines for any such offence are payable to the authority.

Short title

2. This Act may be cited as *The Conservation Authorities Amendment Act, 1960-61*.

An Act to amend
The Conservation Authorities Act

1st Reading

February 22nd, 1961

2nd Reading

3rd Reading

MR. NICKLE

BILL 83

**2ND SESSION, 26TH LEGISLATURE, ONTARIO
9-10 ELIZABETH II, 1960-61**

An Act to amend The Conservation Authorities Act

MR. NICKLE

BILL 83

1960-61

An Act to amend The Conservation Authorities Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Conservation Authorities Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 62,
amended

20a.—(1) Subject to the approval of the Lieutenant Governor in Council, an authority may make regulations applicable to lands owned by the authority, Regulations

- (a) regulating and governing the use by the public of the lands and the works, vehicles, boats, services and things of the authority;
- (b) providing for the protection and preservation from damage of the property of the authority;
- (c) prescribing fees for the occupation and use of lands and works, vehicles, boats, recreational facilities and services;
- (d) prescribing permits designating privileges in connection with use of the lands or any part thereof and prescribing fees for such permits;
- (e) regulating and governing vehicular and pedestrian traffic and prohibiting the use of any class of vehicle or classes of vehicles;
- (f) prohibiting or regulating and governing the erection, posting up or other display of notices, signs, sign boards and other advertising devices;
- (g) prescribing terms and conditions under which horses, dogs and other animals may be allowed on the lands or any part thereof;

R.S.O. 1960,
c. 152

(h) subject to *The Forest Fires Prevention Act* and the regulations made thereunder, prohibiting or regulating and governing the use, setting and extinguishment of fires;

(i) imposing fines not exceeding \$100 for a contravention of any regulation.

Offences

R.S.O. 1960,
c. 387

(2) Any offence against a regulation made by an authority under this section is punishable under *The Summary Convictions Act* and the fines for any such offence are payable to the authority.

Short title

2. This Act may be cited as *The Conservation Authorities Amendment Act, 1960-61*.

An Act to amend
The Conservation Authorities Act

1st Reading

February 22nd, 1961

2nd Reading

February 27th, 1961

3rd Reading

March 2nd, 1961

MR. NICKLE

BILL 84

2ND SESSION, 26TH LEGISLATURE, ONTARIO
9-10 ELIZABETH II, 1960-61

An Act to amend The Highway Traffic Act

MR. ROWNTREE

EXPLANATORY NOTES

SECTION 1. The provision requiring certificates of character from the chief constable is repealed. The other provisions dealing with physical fitness, ability to drive and knowledge of rules of the road are now contained in the regulations respecting licensing.

SECTION 2. Section 20 at present provides for suspension of licence on conviction for driving while intoxicated. The section as re-enacted provides the same suspension for convictions of offences for criminal negligence causing death or bodily harm or manslaughter committed by means of a motor vehicle and criminal negligence in the operation of a motor vehicle. The amendment also provides that a subsequent offence including the offence of impaired driving may be in relation to any of such offences.

BILL 84

1960-61

An Act to amend The Highway Traffic Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsections 4, 5, 6 and 7 of section 16 of *The Highway Traffic Act* are repealed. R.S.O. 1960,
c. 172, s. 16,
subss. 4-7,
repealed

2. Section 20 of *The Highway Traffic Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 172, s. 20,
re-enacted

20.—(1) Subject to section 22, the licence of a person who is convicted of an offence under section 192, 193 or 207 of the *Criminal Code* (Canada) committed by means of a motor vehicle or of an offence under subsection 1 of section 221 or section 222 of the *Criminal Code* (Canada) is thereupon and hereby suspended for a period of, Suspension
on conviction
for criminal
negligence,
etc., or
driving
while
intoxicated
1953-54,
c. 51 (Can.)

(a) upon the first offence, six months, but where injury to or the death of any person or damage to property occurred in connection with the offence, one year;

(b) upon any subsequent offence, one year, but where injury to or the death of any person or damage to property occurred in connection with the offence, two years;

provided that, if an order is made under subsection 1 of section 225 of the *Criminal Code* (Canada) prohibiting a person from driving a motor vehicle for any longer period, the licence shall remain suspended during such longer period.

(2) Where a person who has previously been convicted of an offence mentioned in subsection 1 is convicted of the same or any other offence mentioned in sub- Subsequent
offence

section 1, the offence for which he is last convicted shall be deemed to be a subsequent offence for the purposes of clause *b* of subsection 1.

Idem

- (3) Where a person has been convicted of an offence under section 223 of the *Criminal Code* (Canada) and also has been convicted of any one of the offences mentioned in subsection 1, the second and each subsequent conviction for any of such offences shall be deemed to be a conviction for a subsequent offence for the purposes of clause *b* of subsection 1.

R.S.O. 1960,
c. 172, s. 21,
amended

3. Section 21 of *The Highway Traffic Act* is amended by striking out "subsection 1 of section 221 or" in the second line, so that the section shall read as follows:

Suspension
for driving
while ability
impaired
1953-54,
c. 51 (Can.)

21. Subject to section 22, the licence of a person who is convicted of an offence under section 223 of the *Criminal Code* (Canada) is thereupon and hereby suspended for a period of,

(a) upon the first offence, three months, but where injury to or the death of any person or damage to property occurred in connection with the offence, six months;

(b) upon any subsequent offence, six months, but where injury to or the death of any person or damage to property occurred in connection with the offence, one year;

provided that, if an order is made under subsection 1 of section 225 of the *Criminal Code* (Canada) prohibiting a person from driving a motor vehicle for any longer period, the licence shall remain suspended during such longer period.

R.S.O. 1960,
c. 172,
amended

4. *The Highway Traffic Act* is amended by adding thereto the following section:

Interpre-
tation of
"sub-
sequent"
for ss. 20, 21

- 21a. Notwithstanding section 155, where a penalty is provided in sections 20 and 21 for a subsequent offence, the word "subsequent" relates only to offences committed in any five-year period.

R.S.O. 1960,
c. 172, s. 36,
amended

5. Section 36 of *The Highway Traffic Act* is amended by adding thereto the following subsection:

Adoption
of codes by
reference

- (3) Any regulation may adopt by reference, in whole or in part with such changes as the Lieutenant Governor in Council considers necessary, any code of standards or specifications of hydraulic brake fluid.

SECTION 3. The suspension of a licence for an offence of criminal negligence in the operation of a motor vehicle presently included with impaired driving is transferred to the provision for suspension for the offence of driving while intoxicated. See section 2 of this Bill.

SECTION 4. The new section provides that "subsequent" offence in relation to offences mentioned in sections 20 and 21 relates only to offences committed in any five-year period.

SECTION 5. The new subsection 3 authorizes the Lieutenant Governor in Council in making regulations prescribing the standards and specifications of hydraulic brake fluid to adopt by reference any code respecting such standards and specifications.

SECTION 6—Subsection 1. "Pole-trailer" is defined.

Subsection 2. The amendment is to correct an error in the Revised Statutes of Ontario, 1960.

Subsection 3. The gross weight on three-axle vehicles, except three-axle semi-trailers, is increased from 40,000 pounds to 42,000 pounds.

The new paragraph 2a is self-explanatory.

Subsection 4. The gross weight of two-axle semi-trailers is increased from 30,000 to 32,000 pounds.

6.—(1) Subsection 1 of section 52 of *The Highway Traffic Act* is amended by adding thereto the following clause: R.S.O. 1960,
c. 172, s. 52,
subs. 1,
amended

- (c) "pole-trailer" means a trailer attached to a towing vehicle by means of a reach or pole or by being boomed or otherwise secured to the towing vehicle and ordinarily used for transporting long or irregularly-shaped loads such as poles, pipes or structural members capable, generally, of sustaining themselves as beams between the supporting connections.

(2) Paragraph 1 of subsection 2 of the said section 52 is amended by striking out "other than those mentioned in clauses *b*, *c* and *d*" in the first and second lines and inserting in lieu thereof "except as otherwise provided in this Part", so that the paragraph shall read as follows: R.S.O. 1960,
c. 172, s. 52,
subs. 2,
par. 1,
amended

1. The gross weight of a vehicle except as otherwise provided in this Part shall not exceed 28,000 pounds and the weight upon one axle shall not exceed 18,000 pounds, and if axles are spaced less than eight feet apart the weight on one axle shall not exceed 14,000 pounds. As to weight
of other
vehicles

(3) Paragraphs 2 and 3 of subsection 2 of the said section 52 are repealed and the following substituted therefor: R.S.O. 1960,
c. 172, s. 52,
subs. 2,
pars. 2, 3,
re-enacted

2. The gross weight of a vehicle with three axles so designed that under any loading conditions the ratio of the weight on the middle axle to the weight on the rear axle remains constant, except a semi-trailer with three axles, shall not exceed 42,000 pounds and the weight on one axle shall not exceed 16,000 pounds. As to weight
upon three
axles
- 2a. Notwithstanding paragraph 2, the gross weight of a motor vehicle with three axles that has attached to it a semi-trailer with three axles shall not exceed 40,000 pounds. As to weight
of three-axle
motor
vehicle with
semi-trailer
attached
3. When a conversion unit consisting of a single axle designed to convert a two-axle vehicle into a three-axle vehicle as described in paragraph 2 is used with or attached to a two-axle vehicle, the gross weight of such converted two-axle vehicle shall not exceed 42,000 pounds. As to weight
of conver-
sion unit
and two-
axle vehicle

(4) Paragraph 5 of subsection 2 of the said section 52 is amended by striking out "30,000" in the fourth line and inserting in lieu thereof "32,000", so that the paragraph shall read as follows: R.S.O. 1960,
c. 172, s. 52,
subs. 2,
par. 5,
amended

As to weight
of two-axle
semi-trailers

5. The gross weight of a semi-trailer with two axles so designed that under any loading conditions the weight on both axles remains constant shall not exceed 32,000 pounds.

R.S.O. 1960,
c. 172, s. 52,
subs. 2,
amended

- (5) Subsection 2 of the said section 52 is amended by adding thereto the following paragraph:

As to weight
of three-axle
semi-trailers

6. The gross weight of a semi-trailer with three axles so designed that under any loading conditions the weight on the three axles remains constant shall not exceed 32,000 pounds.

R.S.O. 1960,
c. 172, s. 52,
amended

- (6) The said section 52 is amended by adding thereto the following subsections:

Moving of
three-axle
semi-trailers
registered
prior to
July 1, 1961

- (2a) Notwithstanding paragraph 6 of subsection 2, a semi-trailer referred to in paragraph 6 that was registered under this Act prior to the 1st day of July, 1961, subject to section 6, may be moved with a gross weight not exceeding 40,000 pounds on a Class A Highway for a period of up to five years from and including the year that it was first registered under this Act.

Combination
of more
than one
motor
vehicle and
trailer, and
combination
exceeding
84,000
pounds,
prohibited

- (2b) After the 31st day of December, 1965,

- (a) no combination of more than one motor vehicle and one trailer, except where such combination includes a pole-trailer; and
- (b) no combination of vehicles having a gross weight of more than 84,000 pounds,

shall be moved upon a highway.

R.S.O. 1960,
c. 172,
Part VIII,
amended

7. Part VIII of *The Highway Traffic Act* is amended by adding thereto the following section:

Direction
of traffic by
constable

- 62a. Where a constable or other police officer reasonably considers it necessary,

- (a) to ensure orderly movement of traffic; or
- (b) to prevent injury or damage to persons or property; or
- (c) to permit proper action in an emergency,

he may direct traffic according to his discretion, notwithstanding the provisions of this Part, and every person shall obey his directions.

Subsections 5 and 6. The gross weight of a three-axle semi-trailer is reduced from 40,000 to 32,000 pounds.

The new subsection 2a permits three-axle semi-trailers presently registered at 40,000 pounds to be moved on highways for a period of up to five years from their first registration under the Act.

The new subsection 2b, after the 31st day of December, 1965, prohibits combinations of more than one motor vehicle and trailer and combinations having a gross weight in excess of 84,000 pounds from being moved on a highway.

SECTION 7. The new section 62a authorizes constables to direct traffic, notwithstanding *The Highway Traffic Act*, to ensure orderly movement of traffic, etc.

SECTION 8. The new subsection provides that the driver of a vehicle parked on a highway shall not set the vehicle in motion unless the movement can be made in safety and if a turn is to be made he shall give the proper signal.

SECTION 9. The new section prohibits U-turns under the circumstances indicated in the section. U-turns under other circumstances may be prohibited by regulations and municipal by-laws.

SECTION 10—Subsections 1 and 2. By January 1st, 1962, the amber and green lights shown simultaneously between the change from green to red will be replaced by an amber light only. The new subsection 5a provides for the rule for stopping on approaching an amber light.

8.—(1) Section 69 of *The Highway Traffic Act* is amended by adding thereto the following subsection: R.S.O. 1960,
c. 172, s. 69,
amended

- (1a) The driver or operator of a vehicle parked or stopped on the highway before setting the vehicle in motion shall first see that the movement can be made in safety, and, if in turning the vehicle the operation of any other vehicle may be affected by such movement, shall give a signal plainly visible to the driver or operator of such other vehicle of the intention to make such movement. Signal when
moving
from
parked
position

(2) Subsection 2 of the said section 69 is amended by striking out "subsection 1" in the first line and inserting in lieu thereof "subsections 1 and 1a", so that the subsection shall read as follows: R.S.O. 1960,
c. 172, s. 69,
subs. 2,
amended

- (2) The signal required in subsections 1 and 1a shall be given either by means of the hand and arm in the manner herein specified or by a mechanical or electrical signal device as described in subsection 4. Mode of
signalling
turn

9. *The Highway Traffic Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 172,
amended

69a. No driver or operator of a vehicle upon a highway shall turn the vehicle so as to proceed in the opposite direction when, U-turns
prohibited

- (a) upon a curve where traffic approaching the vehicle from either direction cannot be seen by the driver of the vehicle within a distance of 500 feet;
- (b) in an intersection;
- (c) on a railway crossing or within 100 feet of a railway crossing;
- (d) upon an approach to or near the crest of a grade where the vehicle cannot be seen by the driver of another vehicle approaching from either direction within 500 feet; or
- (e) within 500 feet of a bridge, viaduct or tunnel where the driver's view is obstructed within such distance.

10.—(1) Subsection 5 of section 70 of *The Highway Traffic Act* is repealed. R.S.O. 1960,
c. 172, s. 70,
subs. 5,
repealed

R.S.O. 1960,
c. 172, s. 70,
amended (2) The said section 70 is amended by adding thereto the following subsection:

Amber
light

(5a) When an amber signal-light is shown at an intersection, the driver or operator of a vehicle or car of an electric railway that is approaching the intersection and facing such light shall bring his vehicle or car to a full stop at a clearly marked stop line or, if none, then immediately before entering the nearest crosswalk or, if none, then immediately before entering the intersection, provided that, where any such vehicle or car cannot be brought to such a stop in safety, it may be driven cautiously across the intersection.

R.S.O. 1960,
c. 172, s. 70,
subs. 6,
re-enacted (3) Subsection 6 of the said section 70 is repealed and the following substituted therefor:

Flashing
red

(6) Where a red signal-light illuminated by rapid intermittent flashes is shown at an intersection, the driver or operator of a vehicle or car of an electric railway that is approaching the intersection and facing such light shall bring his vehicle or car to a full stop at a clearly marked stop line or, if none, then immediately before entering the nearest crosswalk or, if none, then immediately before entering the intersection; and upon entering the intersection shall yield the right of way to traffic in the intersection or approaching the intersection on another highway so closely that it constitutes an immediate hazard and having so yielded the right of way may proceed with caution and the traffic approaching the intersection on another highway shall yield the right of way to the vehicle so proceeding in the intersection.

R.S.O. 1960,
c. 172, s. 70,
subs. 9,
amended (4) Subsection 9 of the said section 70 is amended by adding at the end thereof "and to pedestrians lawfully within a crosswalk", so that the subsection shall read as follows:

Turns
subject to
pedestrian
right of way

(9) When under this section the driver or operator of a vehicle or car of an electric railway is permitted to turn left or right, such driver or operator shall yield the right of way to pedestrians and other traffic lawfully within the intersection and to pedestrians lawfully within a crosswalk.

R.S.O. 1960,
c. 172, s. 70,
subs. 12,
repealed

(5) Subsection 12 of the said section 70 is repealed.

R.S.O. 1960,
c. 172, s. 70,
amended (6) The said section 70 is further amended by adding thereto the following subsections:

Subsection 3. The requirements for stopping at flashing red signal-lights are made uniform with other provisions in the Act requiring a driver to stop at a stop sign.

Subsection 4. The amendment to subsection 9 is to provide that the driver of a vehicle making a right or left turn at an intersection must yield the right of way to pedestrians lawfully in a marked or unmarked cross-walk as well as to traffic lawfully in the intersection.

Subsections 5 and 6. The new subsection 14a provides that after the 31st day of December, 1961, signal-light traffic control systems shall show amber lights only instead of the present amber and green shown simultaneously.

The new subsection 12a provides the pedestrian rule in relation to amber lights.

The present rule in relation to amber and green lights shown simultaneously is repealed as of January 1st, 1962.

SECTION 11. At present, passing on the right of another vehicle is permitted only in cities, towns and villages. The amendment will permit passing on the right on all paved highways with two or more lines of traffic in each direction, when the other vehicle is making a left turn, and on one-way streets.

SECTION 12. The provisions setting out the rules of the road with respect to overtaking or meeting school buses stopped on a highway are revised to set out more clearly the circumstances in which a driver must stop when overtaking the bus and reduce speed when meeting the bus.

- (12a) When a red or amber signal-light is shown at an intersection, a pedestrian approaching such intersection and facing such light shall not enter the roadway until a green light is shown. ^{red or amber}

.

- (14a) After the 31st day of December, 1961, no signal-light traffic control system installed before or after such date shall be operated in such a manner as to show green and amber signal-lights simultaneously. ^{Prohibition re showing green and amber simultaneously}

11.—(1) Subsection 1 of section 73 of *The Highway Traffic Act* is amended by striking out “within a city, town or village” in the third line, so that the subsection shall read as follows: ^{R.S.O. 1960, c. 172, s. 73, subs. 1, amended}

- (1) Notwithstanding section 71 and subject to subsection 2, the driver of a motor vehicle may overtake and pass to the right of another vehicle only under the following conditions: ^{Passing to right of vehicle}

- (a) when the vehicle overtaken is making or about to make a left turn or its driver has signalled his intention to make a left turn; or
- (b) upon a highway with unobstructed pavement of sufficient width for two or more lines of vehicles in each direction; or
- (c) upon a highway designated for the use of one-way traffic only.

- (2) Subsection 3 of the said section 73 is repealed.

^{R.S.O. 1960, c. 172, s. 73, subs. 3, repealed}

12. Section 94 of *The Highway Traffic Act* is repealed and the following substituted therefor: ^{R.S.O. 1960, c. 172, s. 94, re-enacted}

- 94.—(1) In subsections 2 to 4, “school bus” means a motor vehicle used for the transportation of children to and from school that, ^{Interpretation}

- (a) bears on the rear thereof the words “do not pass when bus is stopped”; and
- (b) is equipped with two red signal-lights on the rear thereof and two amber signal-lights on the front thereof,

as required by the regulations.

Duty of
driver when
school bus
stopped on
highway

- (2) Where a school bus is stopped on a highway outside a city, town, village, police village or built-up area for the purpose of receiving or discharging school children, the driver of a vehicle,

- (a) when overtaking the school bus on the rear of which the words "do not pass when bus is stopped" are marked and two red signal-lights are illuminated by intermittent flashes, shall stop the vehicle before reaching the school bus and shall not proceed until the bus resumes motion or the signal-lights are no longer operating;
- (b) when meeting on such a highway, other than a highway with separate roadways, the school bus on the front of which two amber signal-lights are illuminated by intermittent flashes, shall reduce the speed of the vehicle at a distance of not less than 100 feet from the school bus to a reasonable and proper speed having due care for the safety of pedestrians and shall so proceed past the school bus for a distance of not less than 100 feet.

Signal-lights
on school
bus

- (3) The driver of such a school bus upon a highway outside a city, town, village, police village or built-up area, when he is about to stop the bus for the purpose of receiving or discharging school children, shall actuate the signal-lights and shall continue them in operation while stopped for such purpose and shall not otherwise actuate the signal-lights.

Markings
to be
covered
when bus
not used to
transport
children

- (4) The words on a school bus "do not pass when bus is stopped" shall be covered or concealed when the school bus is being operated upon a highway for purposes other than the transportation of children to or from school.

Regulations
re school
buses

- (5) The Lieutenant Governor in Council may make regulations,
- (a) respecting the operation of vehicles or any class or type thereof used for transporting children to and from school and operated by or under contract with a school board or other authority in charge of a school;
- (b) prescribing the type, design and colour of school buses or any class thereof and the markings to be displayed thereon;

SECTION 13. The re-enactment of subsection 7 provides that payments out of the Fund to non-resident persons shall not include amounts that would not be payable in the jurisdiction in which such persons reside.

Subsection 8 is re-enacted for the purposes of clarification.

The re-enactment of subsection 9 provides that the apportionment of costs of judgments exceeding the limits payable from the Fund will conform to the apportionment of costs where judgments are within the limits of the Fund.

SECTION 14. The amendment is for the purpose of clarification **only**.

- (c) requiring the use of any equipment on or in such vehicles or any class or type thereof and prescribing the standards and specifications of such equipment;
- (d) prescribing the qualifications of drivers of such vehicles or any class or type thereof and prohibiting the operation thereof by unqualified persons;
- (e) requiring the inspection of such vehicles or any class or type thereof.

13. Subsections 7, 8 and 9 of section 129 of *The Highway Traffic Act* are repealed and the following substituted therefor: R.S.O. 1960, c. 172, s. 129, subs. 7-9, re-enacted

- (7) The Minister shall not pay out of the Fund any amount in respect of a judgment in favour of a person who ordinarily resides outside Ontario unless such person resides in a jurisdiction in which recourse of a substantially similar character to that provided by this Part is afforded to residents of Ontario, provided that no payment shall include an amount in respect of the judgment that would not be payable by the law of the jurisdiction in which such person resides. Payments to non-residents
- (8) The Minister shall not pay out of the Fund costs of an action of more than the actual disbursements and fees as awarded in the judgment as between parties to the action. Costs
- (9) Where, by reason of an action having been maintained in part by an insurer, an application under this section is for payment out of the Fund of only part of the amount of the judgment obtained in the action, the Minister shall not pay out of the Fund more than that part of the costs of the action as awarded in the judgment as between parties to the action that bears the same proportion to the whole of such costs as the total amount of the judgment, less the amount of the insurer's interest in the judgment, bears to the total amount of the judgment. Idem

14. Subsection 3 of section 139 of *The Highway Traffic Act* is amended by striking out "as taxed on a party and party basis" in the third and fourth lines and inserting in lieu thereof "as awarded in the judgment as between parties to the action", so that the subsection shall read as follows: R.S.O. 1960, c. 172, s. 139, subs. 3, amended

Costs

- (3) The Minister shall not pay out of the Fund costs, including costs of the application made under section 134, of more than actual disbursements and fees as awarded in the judgment as between parties to the action.

R.S.O. 1960,
c. 172,
amended

15. *The Highway Traffic Act* is amended by adding thereto the following section:

Duty of
person in
charge of
vehicle in
case of
accident

143a.—(1) Where an accident occurs on a highway, every person in charge of a vehicle or car of an electric railway that is directly or indirectly involved in the accident shall,

- (a) remain at or immediately return to the scene of the accident;
- (b) render all possible assistance; and
- (c) upon request, give in writing to anyone sustaining loss or injury, or to any constable or other police officer or to any witness, his name and address, and also the name and address of the registered owner of such vehicle, and the number of the vehicle permit.

Penalty

- (2) Every person who contravenes any of the provisions of subsection 1 is liable to a fine of not more than \$500 or to imprisonment for a term of not more than six months, or to both, and in addition his licence or permit may be suspended for a period of not more than two years.

R.S.O. 1960,
c. 172,
s. 152,
subs. 1,
re-enacted

16. Subsection 1 of section 152 of *The Highway Traffic Act* is repealed and the following substituted therefor:

Report on
conviction
to Registrar

- (1) A judge, magistrate or justice of the peace who makes a conviction for an offence under this Act or under any other Act of the Legislature or the Parliament of Canada or any regulation or order made under any of them committed by means of a motor vehicle, or for an offence under a municipal by-law regulating traffic on the highways, except convictions for offences for standing or parking, shall forthwith certify the conviction to the Registrar, setting out the name, address and description of the person convicted, the number of his operator's or chauffeur's licence, the number of the permit of the motor vehicle with which the offence was committed, the time the offence was committed and the provision of the Act, regulation, order or by-law contravened.

SECTION 15. The new section is self-explanatory.

SECTION 16. The amendment is to ensure the reporting of convictions for offences involving the use of motor vehicles on all highways in Ontario.

17.—(1) This Act, except sections 1 to 4, 6 to 12, 15 and 16, ^{Commence-}_{ment} comes into force on the day it receives Royal Assent.

(2) Sections 1 to 4, 6 to 9, subsections 2, 3, 4 and 6 of ^{Idem} section 10 and sections 11, 12, 15 and 16 come into force on the 1st day of July, 1961.

(3) Subsections 1 and 5 of section 10 come into force on the ^{Idem} 1st day of January, 1962.

18. This Act may be cited as *The Highway Traffic Amend-* Short title
ment Act, 1960-61.

An Act to amend
The Highway Traffic Act

1st Reading

February 24th, 1961

2nd Reading

3rd Reading

MR. ROWNTREE .

BILL 84

2ND SESSION, 26TH LEGISLATURE, ONTARIO
9-10 ELIZABETH II, 1960-61

An Act to amend The Highway Traffic Act

MR. ROWNTREE

*(Reprinted as amended by the Committee on Highways
and Highway Safety)*

EXPLANATORY NOTES

SECTION 1. The provision requiring certificates of character from the chief constable is repealed. The other provisions dealing with physical fitness, ability to drive and knowledge of rules of the road are now contained in the regulations respecting licensing.

SECTION 2. Section 20 at present provides for suspension of licence on conviction for driving while intoxicated. The section as re-enacted provides the same suspension for convictions of offences for criminal negligence causing death or bodily harm or manslaughter committed by means of a motor vehicle and criminal negligence in the operation of a motor vehicle. The amendment also provides that a subsequent offence including the offence of impaired driving may be in relation to any of such offences.

BILL 84

1960-61

An Act to amend The Highway Traffic Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsections 4, 5, 6 and 7 of section 16 of *The Highway Traffic Act* are repealed. R.S.O. 1960,
c. 172, s. 16,
subss. 4-7,
repealed

2. Section 20 of *The Highway Traffic Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 172, s. 20,
re-enacted

20.—(1) Subject to section 22, the licence of a person who is convicted of an offence under section 192, 193 or 207 of the *Criminal Code* (Canada) committed by means of a motor vehicle or of an offence under subsection 1 of section 221 or section 222 of the *Criminal Code* (Canada) is thereupon and hereby suspended for a period of, Suspension
on conviction
for
criminal
negligence,
etc., or
driving
while
intoxicated
1953-54,
c. 51 (Can.)

(a) upon the first offence, six months, but where injury to or the death of any person or damage to property occurred in connection with the offence, one year;

(b) upon any subsequent offence, one year, but where injury to or the death of any person or damage to property occurred in connection with the offence, two years;

provided that, if an order is made under subsection 1 of section 225 of the *Criminal Code* (Canada) prohibiting a person from driving a motor vehicle for any longer period, the licence shall remain suspended during such longer period.

(2) Where a person who has previously been convicted of an offence mentioned in subsection 1 is convicted of the same or any other offence mentioned in sub- Subsequent
offence

section 1, the offence for which he is last convicted shall be deemed to be a subsequent offence for the purposes of clause *b* of subsection 1.

Idem

- (3) Where a person has been convicted of an offence under section 223 of the *Criminal Code* (Canada) and also has been convicted of any one of the offences mentioned in subsection 1, the second and each subsequent conviction for any of such offences shall be deemed to be a conviction for a subsequent offence for the purposes of clause *b* of subsection 1.

R.S.O. 1960,
o. 172, s. 21,
amended

3. Section 21 of *The Highway Traffic Act* is amended by striking out "subsection 1 of section 221 or" in the second line, so that the section shall read as follows:

Suspension
for driving
while ability
impaired
1953-54,
c. 51 (Can.)

21. Subject to section 22, the licence of a person who is convicted of an offence under section 223 of the *Criminal Code* (Canada) is thereupon and hereby suspended for a period of,

- (a) upon the first offence, three months, but where injury to or the death of any person or damage to property occurred in connection with the offence, six months;
- (b) upon any subsequent offence, six months, but where injury to or the death of any person or damage to property occurred in connection with the offence, one year;

provided that, if an order is made under subsection 1 of section 225 of the *Criminal Code* (Canada) prohibiting a person from driving a motor vehicle for any longer period, the licence shall remain suspended during such longer period.

R.S.O. 1960,
c. 172,
amended

4. *The Highway Traffic Act* is amended by adding thereto the following section:

Interpre-
tation of
"sub-
sequent"
for ss. 20, 21

- 21a. Notwithstanding section 155, where a penalty is provided in sections 20 and 21 for a subsequent offence, the word "subsequent" relates only to offences committed in any five-year period.

R.S.O. 1960,
c. 172, s. 36,
amended

5. Section 36 of *The Highway Traffic Act* is amended by adding thereto the following subsection:

Adoption
of codes by
reference

- (3) Any regulation may adopt by reference, in whole or in part with such changes as the Lieutenant Governor in Council considers necessary, any code of standards or specifications of hydraulic brake fluid.

SECTION 3. The suspension of a licence for an offence of criminal negligence in the operation of a motor vehicle presently included with impaired driving is transferred to the provision for suspension for the offence of driving while intoxicated. See section 2 of this Bill.

SECTION 4. The new section provides that "subsequent" offence in relation to offences mentioned in sections 20 and 21 relates only to offences committed in any five-year period.

SECTION 5. The new subsection 3 authorizes the Lieutenant Governor in Council in making regulations prescribing the standards and specifications of hydraulic brake fluid to adopt by reference any code respecting such standards and specifications.

SECTION 6—Subsection 1. "Pole-trailer" is defined.

Subsection 2. The amendment is to correct an error in the Revised Statutes of Ontario, 1960.

Subsection 3. The gross weight on three-axle vehicles, except three-axle semi-trailers, is increased from 40,000 pounds to 42,000 pounds.

The new paragraph 2a is self-explanatory.

Subsection 4. The gross weight of two-axle semi-trailers is increased from 30,000 to 32,000 pounds.

6.—(1) Subsection 1 of section 52 of *The Highway Traffic Act* is amended by adding thereto the following clause: R.S.O. 1960,
c. 172, s. 52,
subs. 1,
amended

- (c) "pole-trailer" means a trailer attached to a towing vehicle by means of a reach or pole or by being boomed or otherwise secured to the towing vehicle and ordinarily used for transporting long or irregularly-shaped loads such as poles, pipes or structural members capable, generally, of sustaining themselves as beams between the supporting connections.

(2) Paragraph 1 of subsection 2 of the said section 52 is amended by striking out "other than those mentioned in clauses *b*, *c* and *d*" in the first and second lines and inserting in lieu thereof "except as otherwise provided in this Part", so that the paragraph shall read as follows: R.S.O. 1960,
c. 172, s. 52,
subs. 2,
par. 1
amended

1. The gross weight of a vehicle except as otherwise provided in this Part shall not exceed 28,000 pounds and the weight upon one axle shall not exceed 18,000 pounds, and if axles are spaced less than eight feet apart the weight on one axle shall not exceed 14,000 pounds. As to weight
of other
vehicles

(3) Paragraphs 2 and 3 of subsection 2 of the said section 52 are repealed and the following substituted therefor: R.S.O. 1960,
c. 172, s. 52,
subs. 2,
pars. 2, 3,
re-enacted

2. The gross weight of a vehicle with three axles so designed that under any loading conditions the ratio of the weight on the middle axle to the weight on the rear axle remains constant, except a semi-trailer with three axles, shall not exceed 42,000 pounds and the weight on one axle shall not exceed 16,000 pounds. As to weight
upon three
axles

- 2a. Notwithstanding paragraph 2, the gross weight of a combination of vehicles consisting of a motor vehicle with three axles and semi-trailer with three axles shall not exceed 80,000 pounds. As to weight
of three-axle
motor
vehicle with
semi-trailer
attached

3. When a conversion unit consisting of a single axle designed to convert a two-axle vehicle into a three-axle vehicle as described in paragraph 2 is used with or attached to a two-axle vehicle, the gross weight of such converted two-axle vehicle shall not exceed 42,000 pounds. As to weight
of conver-
sion unit
and two-
axle vehicle

(4) Paragraph 5 of subsection 2 of the said section 52 is amended by striking out "30,000" in the fourth line and inserting in lieu thereof "32,000", so that the paragraph shall read as follows: R.S.O. 1960,
c. 172, s. 52,
subs. 2,
par. 5,
amended

As to weight
of two-axle
semi-trailers,
etc.

5. The gross weight of a semi-trailer with two axles or a pole-trailer with two axles so designed that under any loading conditions the weight on both axles remains constant shall not exceed 32,000 pounds.

R.S.O. 1960,
c. 172, s. 52,
subs. 2,
amended

- (5) Subsection 2 of the said section 52 is amended by adding thereto the following paragraph:

As to weight
of three-axle
semi-trailers,
etc.

6. The gross weight of a semi-trailer with three axles or a pole-trailer with three axles so designed that under any loading conditions the weight on the three axles remains constant shall not exceed 32,000 pounds.

R.S.O. 1960,
c. 172, s. 52,
amended

- (6) The said section 52 is amended by adding thereto the following subsections:

Moving of
three-axle
semi-trailers
registered
prior to
July 1, 1961

- (2a) Notwithstanding paragraph 6 of subsection 2, a semi-trailer referred to in paragraph 6 that was registered under this Act prior to the 1st day of July, 1961, subject to section 6, may be moved with a gross weight not exceeding 40,000 pounds on a Class A Highway until and including December 31, 1965.

Combination
of more
than one
motor
vehicle and
trailer, and
combination
exceeding
84,000
pounds,
prohibited

- (2b) After the 31st day of December, 1965,

- (a) no combination of more than one motor vehicle and one trailer, except where such combination includes a pole-trailer; and
(b) no combination of vehicles having a gross weight of more than 84,000 pounds,

shall be moved upon a highway.

R.S.O. 1960,
c. 172,
Part VIII,
amended

7. Part VIII of *The Highway Traffic Act* is amended by adding thereto the following section:

Direction
of traffic by
constable

- 62a. Where a constable or other police officer reasonably considers it necessary,

- (a) to ensure orderly movement of traffic; or
(b) to prevent injury or damage to persons or property; or
(c) to permit proper action in an emergency,

he may direct traffic according to his discretion, notwithstanding the provisions of this Part, and every person shall obey his directions.

Subsections 5 and 6. The gross weight of a three-axle semi-trailer is reduced from 40,000 to 32,000 pounds.

The new subsection 2a permits three-axle semi-trailers presently registered at 40,000 pounds to be moved on highways for a period until and including December 31, 1965.

The new subsection 2b, after the 31st day of December, 1965, prohibits combinations of more than one motor vehicle and trailer and combinations having a gross weight in excess of 84,000 pounds from being moved on a highway.

SECTION 7. The new section 62a authorizes constables to direct traffic, notwithstanding *The Highway Traffic Act*, to ensure orderly movement of traffic, etc.

SECTION 8. The new subsection provides that the driver of a vehicle parked on a highway shall not set the vehicle in motion unless the movement can be made in safety and if a turn is to be made he shall give the proper signal.

SECTION 9. The new section prohibits U-turns under the circumstances indicated in the section. U-turns under other circumstances may be prohibited by regulations and municipal by-laws.

SECTION 10—Subsections 1 and 2. By January 1st, 1962, the amber and green lights shown simultaneously between the change from green to red will be replaced by an amber light only. The new subsection 5a provides for the rule for stopping on approaching an amber light.

8.—(1) Section 69 of *The Highway Traffic Act* is amended by adding thereto the following subsection: R.S.O. 1960,
c. 172, s. 69,
amended

- (1a) The driver or operator of a vehicle parked or stopped on the highway before setting the vehicle in motion shall first see that the movement can be made in safety, and, if in turning the vehicle the operation of any other vehicle may be affected by such movement, shall give a signal plainly visible to the driver or operator of such other vehicle of the intention to make such movement. Signal when
moving
from
parked
position

(2) Subsection 2 of the said section 69 is amended by striking out "subsection 1" in the first line and inserting in lieu thereof "subsections 1 and 1a", so that the subsection shall read as follows: R.S.O. 1960,
c. 172, s. 69,
subs. 2,
amended

- (2) The signal required in subsections 1 and 1a shall be given either by means of the hand and arm in the manner herein specified or by a mechanical or electrical signal device as described in subsection 4. Mode of
signalling
turn

9. *The Highway Traffic Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 172,
amended

69a. No driver or operator of a vehicle upon a highway shall turn the vehicle so as to proceed in the opposite direction when, U-turns
prohibited

- (a) upon a curve where traffic approaching the vehicle from either direction cannot be seen by the driver of the vehicle within a distance of 500 feet;
- (b) on a railway crossing or within 100 feet of a railway crossing;
- (c) upon an approach to or near the crest of a grade where the vehicle cannot be seen by the driver of another vehicle approaching from either direction within 500 feet; or
- (d) within 500 feet of a bridge, viaduct or tunnel where the driver's view is obstructed within such distance.

10.—(1) Subsection 5 of section 70 of *The Highway Traffic Act* is repealed. R.S.O. 1960,
c. 172, s. 70,
subs. 5,
repealed

R.S.O. 1960,
c. 172, s. 70,
amended (2) The said section 70 is amended by adding thereto the following subsection:

Amber
light

- (5a) When an amber signal-light is shown at an intersection, the driver or operator of a vehicle or car of an electric railway that is approaching the intersection and facing such light shall bring his vehicle or car to a full stop at a clearly marked stop line or, if none, then immediately before entering the nearest crosswalk or, if none, then immediately before entering the intersection, provided that, where any such vehicle or car cannot be brought to such a stop in safety, it may be driven cautiously across the intersection.

R.S.O. 1960,
c. 172, s. 70,
subs. 6,
re-enacted (3) Subsection 6 of the said section 70 is repealed and the following substituted therefor:

Flashing
red

- (6) Where a red signal-light illuminated by rapid intermittent flashes is shown at an intersection, the driver or operator of a vehicle or car of an electric railway that is approaching the intersection and facing such light shall bring his vehicle or car to a full stop at a clearly marked stop line or, if none, then immediately before entering the nearest crosswalk or, if none, then immediately before entering the intersection; and upon entering the intersection shall yield the right of way to traffic in the intersection or approaching the intersection on another highway so closely that it constitutes an immediate hazard and having so yielded the right of way may proceed with caution and the traffic approaching the intersection on another highway shall yield the right of way to the vehicle so proceeding in the intersection.

R.S.O. 1960,
c. 172, s. 70,
subs. 9,
amended (4) Subsection 9 of the said section 70 is amended by adding at the end thereof "and to pedestrians lawfully within a crosswalk", so that the subsection shall read as follows:

Turns
subject to
pedestrian
right of way

- (9) When under this section the driver or operator of a vehicle or car of an electric railway is permitted to turn left or right, such driver or operator shall yield the right of way to pedestrians and other traffic lawfully within the intersection and to pedestrians lawfully within a crosswalk.

R.S.O. 1960,
c. 172, s. 70,
subs. 12,
repealed

- (5) Subsection 12 of the said section 70 is repealed.

R.S.O. 1960,
c. 172, s. 70,
amended

- (6) The said section 70 is further amended by adding thereto the following subsections:

Subsection 3. The requirements for stopping at flashing red signal-lights are made uniform with other provisions in the Act requiring a driver to stop at a stop sign.

Subsection 4. The amendment to subsection 9 is to provide that the driver of a vehicle making a right or left turn at an intersection must yield the right of way to pedestrians lawfully in a marked or unmarked cross-walk as well as to traffic lawfully in the intersection.

Subsections 5 and 6. The new subsection 14a provides that after the 31st day of December, 1961, signal-light traffic control systems shall show amber lights only instead of the present amber and green shown simultaneously.

The new subsection 12a provides the pedestrian rule in relation to amber lights.

The present rule in relation to amber and green lights shown simultaneously is repealed as of January 1st, 1962.

SECTION 11. At present, passing on the right of another vehicle is permitted only in cities, towns and villages. The amendment will permit passing on the right on all paved highways with two or more lines of traffic in each direction, when the other vehicle is making a left turn, and on one-way streets.

SECTION 12. The provisions setting out the rules of the road with respect to overtaking or meeting school buses stopped on a highway are revised to set out more clearly the circumstances in which a driver must stop when overtaking the bus and reduce speed when meeting the bus.

- (12a) When a red or amber signal-light is shown at an intersection, a pedestrian approaching such intersection and facing such light shall not enter the roadway until a green light is shown.

- (14a) After the 31st day of December, 1961, no signal-light traffic control system installed before or after such date shall be operated in such a manner as to show green and amber signal-lights simultaneously.
- Prohibition
re showing
green and
amber
simul-
taneously

11.—(1) Subsection 1 of section 73 of *The Highway Traffic Act* is amended by striking out "within a city, town or village" in the third line, so that the subsection shall read as follows:

R.S.O. 1960,
c. 172, s. 73,
subs. 1,
amended

- (1) Notwithstanding section 71 and subject to subsection 2, the driver of a motor vehicle may overtake and pass to the right of another vehicle only under the following conditions:
- Passing to
right of
vehicle

- (a) when the vehicle overtaken is making or about to make a left turn or its driver has signalled his intention to make a left turn; or
- (b) upon a highway with unobstructed pavement of sufficient width for two or more lines of vehicles in each direction; or
- (c) upon a highway designated for the use of one-way traffic only.

- (2) Subsection 3 of the said section 73 is repealed.

R.S.O. 1960,
c. 172, s. 73,
subs. 3,
repealed

12. Section 94 of *The Highway Traffic Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 172, s. 94,
re-enacted

94.—(1) In subsections 2 to 4, "school bus" means a motor vehicle used for the transportation of children to and from school that,

Interpre-
tation

- (a) bears on the rear thereof the words "do not pass when bus is stopped"; and
- (b) is equipped with two red signal-lights on the rear thereof and two amber signal-lights on the front thereof,

as required by the regulations.

Duty of
driver when
school bus
stopped on
highway

- (2) Where a school bus is stopped on a highway outside a city, town, village, police village or built-up area for the purpose of receiving or discharging school children, the driver of a vehicle,

(a) when overtaking the school bus on the rear of which the words "do not pass when bus is stopped" are marked and two red signal-lights are illuminated by intermittent flashes, shall stop the vehicle before reaching the school bus and shall not proceed until the bus resumes motion or the signal-lights are no longer operating;

(b) when meeting on such a highway, other than a highway with separate roadways, the school bus on the front of which two amber signal-lights are illuminated by intermittent flashes, shall reduce the speed of the vehicle at a distance of not less than 100 feet from the school bus to a reasonable and proper speed having due care for the safety of pedestrians and shall so proceed past the school bus for a distance of not less than 100 feet.

Signal-lights
on school
bus

- (3) The driver of such a school bus upon a highway outside a city, town, village, police village or built-up area, when he is about to stop the bus for the purpose of receiving or discharging school children, shall actuate the signal-lights and shall continue them in operation while stopped for such purpose and shall not otherwise actuate the signal-lights.

Markings
to be
covered
when bus
not used to
transport
children

- (4) The words on a school bus "do not pass when bus is stopped" shall be covered or concealed when the school bus is being operated upon a highway for purposes other than the transportation of children to or from school.

Regulations
re school
buses

- (5) The Lieutenant Governor in Council may make regulations,

(a) respecting the operation of vehicles or any class or type thereof used for transporting children to and from school and operated by or under contract with a school board or other authority in charge of a school;

(b) prescribing the type, design and colour of school buses or any class thereof and the markings to be displayed thereon;

SECTION 13. The re-enactment of subsection 7 provides that payments out of the Fund to non-resident persons shall not include amounts that would not be payable in the jurisdiction in which such persons reside.

Subsection 8 is re-enacted for the purposes of clarification.

The re-enactment of subsection 9 provides that the apportionment of costs of judgments exceeding the limits payable from the Fund will conform to the apportionment of costs where judgments are within the limits of the Fund.

SECTION 14. The amendment is for the purpose of clarification only.

- (c) requiring the use of any equipment on or in such vehicles or any class or type thereof and prescribing the standards and specifications of such equipment;
- (d) prescribing the qualifications of drivers of such vehicles or any class or type thereof and prohibiting the operation thereof by unqualified persons;
- (e) requiring the inspection of such vehicles or any class or type thereof.

13. Subsections 7, 8 and 9 of section 129 of *The Highway Traffic Act* are repealed and the following substituted therefor: R.S.O. 1960, c. 172, s. 129, subss. 7-9, re-enacted

- (7) The Minister shall not pay out of the Fund any amount in respect of a judgment in favour of a person who ordinarily resides outside Ontario unless such person resides in a jurisdiction in which recourse of a substantially similar character to that provided by this Part is afforded to residents of Ontario, provided that no payment shall include an amount in respect of the judgment that would not be payable by the law of the jurisdiction in which such person resides. Payments to non-residents
- (8) The Minister shall not pay out of the Fund costs of an action of more than the actual disbursements and fees as awarded in the judgment as between parties to the action. Costs
- (9) Where, by reason of an action having been maintained in part by an insurer, an application under this section is for payment out of the Fund of only part of the amount of the judgment obtained in the action, the Minister shall not pay out of the Fund more than that part of the costs of the action as awarded in the judgment as between parties to the action that bears the same proportion to the whole of such costs as the total amount of the judgment, less the amount of the insurer's interest in the judgment, bears to the total amount of the judgment. Idem

14. Subsection 3 of section 139 of *The Highway Traffic Act* is amended by striking out "as taxed on a party and party basis" in the third and fourth lines and inserting in lieu thereof "as awarded in the judgment as between parties to the action", so that the subsection shall read as follows: R.S.O. 1960, c. 172, s. 139, subs. 3, amended

Costs

- (3) The Minister shall not pay out of the Fund costs, including costs of the application made under section 134, of more than actual disbursements and fees as awarded in the judgment as between parties to the action.

R.S.O. 1960,
c. 172,
amended

15. *The Highway Traffic Act* is amended by adding thereto the following section:

Duty of
person in
charge of
vehicle in
case of
accident

143a.—(1) Where an accident occurs on a highway, every person in charge of a vehicle or car of an electric railway that is directly or indirectly involved in the accident shall,

- (a) remain at or immediately return to the scene of the accident;
- (b) render all possible assistance; and
- (c) upon request, give in writing to anyone sustaining loss or injury, or to any constable or other police officer or to any witness, his name and address, and also the name and address of the registered owner of such vehicle, and the number of the vehicle permit.

Penalty

- (2) Every person who contravenes any of the provisions of subsection 1 is liable to a fine of not more than \$500 or to imprisonment for a term of not more than six months, or to both, and in addition his licence or permit may be suspended for a period of not more than two years.

R.S.O. 1960,
c. 172,
s. 152,
subs. 1,
re-enacted

16. Subsection 1 of section 152 of *The Highway Traffic Act* is repealed and the following substituted therefor:

Report on
conviction
to Registrar

- (1) A judge, magistrate or justice of the peace who makes a conviction for an offence under this Act or under any other Act of the Legislature or the Parliament of Canada or any regulation or order made under any of them committed by means of a motor vehicle, or for an offence under a municipal by-law regulating traffic on the highways, except convictions for offences for standing or parking, shall forthwith certify the conviction to the Registrar, setting out the name, address and description of the person convicted, the number of his operator's or chauffeur's licence, the number of the permit of the motor vehicle with which the offence was committed, the time the offence was committed and the provision of the Act, regulation, order or by-law contravened.

SECTION 15. The new section is self-explanatory.

SECTION 16. The amendment is to ensure the reporting of convictions for offences involving the use of motor vehicles on all highways in Ontario.

17.—(1) This Act, except sections 1 to 4, subsections 1, 2, 5 ^{Commence-}_{ment} and 6 of section 6 and sections 7 to 12, 15 and 16, comes into force on the day it receives Royal Assent.

(2) Sections 1 to 4, subsections 1, 2, 5 and 6 of section 6, ^{Idem} sections 7 to 9, subsections 2, 3, 4 and 6 of section 10 and sections 11, 12, 15 and 16 come into force on the 1st day of July, 1961.

(3) Subsections 1 and 5 of section 10 come into force on the ^{Idem} 1st day of January, 1962.

18. This Act may be cited as *The Highway Traffic Amend-* Short title
ment Act, 1960-61.

An Act to amend
The Highway Traffic Act

1st Reading

February 24th, 1961

2nd Reading

March 1st, 1961

3rd Reading

MR. ROWNTREE

(Reprinted as amended by the Committee on
Highways and Highway Safety)

BILL 84

2ND SESSION, 26TH LEGISLATURE, ONTARIO
9-10 ELIZABETH II, 1960-61

An Act to amend The Highway Traffic Act

MR. ROWNTREE

BILL 84

1960-61

An Act to amend The Highway Traffic Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsections 4, 5, 6 and 7 of section 16 of *The Highway Traffic Act* are repealed. R.S.O. 1960,
c. 172, s. 16,
subss. 4-7,
repealed

2. Section 20 of *The Highway Traffic Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 172, s. 20,
re-enacted

20.—(1) Subject to section 22, the licence of a person who is convicted of an offence under section 192, 193 or 207 of the *Criminal Code* (Canada) committed by means of a motor vehicle or of an offence under subsection 1 of section 221 or section 222 of the *Criminal Code* (Canada) is thereupon and hereby suspended for a period of, Suspension
on conviction
for criminal
negligence,
etc., or
driving
while
intoxicated
1953-54,
c. 51 (Can.)

(a) upon the first offence, six months, but where injury to or the death of any person or damage to property occurred in connection with the offence, one year;

(b) upon any subsequent offence, one year, but where injury to or the death of any person or damage to property occurred in connection with the offence, two years;

provided that, if an order is made under subsection 1 of section 225 of the *Criminal Code* (Canada) prohibiting a person from driving a motor vehicle for any longer period, the licence shall remain suspended during such longer period.

(2) Where a person who has previously been convicted of an offence mentioned in subsection 1 is convicted of the same or any other offence mentioned in sub- Subsequent
offence

section 1, the offence for which he is last convicted shall be deemed to be a subsequent offence for the purposes of clause *b* of subsection 1.

Idem

- (3) Where a person has been convicted of an offence under section 223 of the *Criminal Code* (Canada) and also has been convicted of any one of the offences mentioned in subsection 1, the second and each subsequent conviction for any of such offences shall be deemed to be a conviction for a subsequent offence for the purposes of clause *b* of subsection 1.

R.S.O. 1960,
c. 172, s. 21,
amended

3. Section 21 of *The Highway Traffic Act* is amended by striking out "subsection 1 of section 221 or" in the second line, so that the section shall read as follows:

Suspension
for driving
while ability
impaired
1953-54,
c. 51 (Can.)

21. Subject to section 22, the licence of a person who is convicted of an offence under section 223 of the *Criminal Code* (Canada) is thereupon and hereby suspended for a period of,

(a) upon the first offence, three months, but where injury to or the death of any person or damage to property occurred in connection with the offence, six months;

(b) upon any subsequent offence, six months, but where injury to or the death of any person or damage to property occurred in connection with the offence, one year;

provided that, if an order is made under subsection 1 of section 225 of the *Criminal Code* (Canada) prohibiting a person from driving a motor vehicle for any longer period, the licence shall remain suspended during such longer period.

R.S.O. 1960,
c. 172,
amended

4. *The Highway Traffic Act* is amended by adding thereto the following section:

Interpre-
tation of
"sub-
sequent"
for ss. 20, 21

- 21a. Notwithstanding section 155, where a penalty is provided in sections 20 and 21 for a subsequent offence, the word "subsequent" relates only to offences committed in any five-year period.

R.S.O. 1960,
c. 172, s. 36,
amended

5. Section 36 of *The Highway Traffic Act* is amended by adding thereto the following subsection:

Adoption
of codes by
reference

- (3) Any regulation may adopt by reference, in whole or in part with such changes as the Lieutenant Governor in Council considers necessary, any code of standards or specifications of hydraulic brake fluid.

6.—(1) Subsection 1 of section 52 of *The Highway Traffic Act* is amended by adding thereto the following clause: R.S.O. 1960,
c. 172, s. 52,
subs. 1,
amended

- (c) "pole-trailer" means a trailer attached to a towing vehicle by means of a reach or pole or by being boomed or otherwise secured to the towing vehicle and ordinarily used for transporting long or irregularly-shaped loads such as poles, pipes or structural members capable, generally, of sustaining themselves as beams between the supporting connections.

(2) Paragraph 1 of subsection 2 of the said section 52 is amended by striking out "other than those mentioned in clauses *b*, *c* and *d*" in the first and second lines and inserting in lieu thereof "except as otherwise provided in this Part", so that the paragraph shall read as follows: R.S.O. 1960,
c. 172, s. 52,
subs. 2,
par. 1,
amended

1. The gross weight of a vehicle except as otherwise provided in this Part shall not exceed 28,000 pounds and the weight upon one axle shall not exceed 18,000 pounds, and if axles are spaced less than eight feet apart the weight on one axle shall not exceed 14,000 pounds. As to weight
of other
vehicles

(3) Paragraphs 2 and 3 of subsection 2 of the said section 52 are repealed and the following substituted therefor: R.S.O. 1960,
c. 172, s. 52,
subs. 2,
pars. 2, 3,
re-enacted

2. The gross weight of a vehicle with three axles so designed that under any loading conditions the ratio of the weight on the middle axle to the weight on the rear axle remains constant, except a semi-trailer with three axles, shall not exceed 42,000 pounds and the weight on one axle shall not exceed 16,000 pounds. As to weight
upon three
axles
- 2a. Notwithstanding paragraph 2, the gross weight of a combination of vehicles consisting of a motor vehicle with three axles and semi-trailer with three axles shall not exceed 80,000 pounds. As to weight
of three-axle
motor
vehicle with
semi-trailer
attached
3. When a conversion unit consisting of a single axle designed to convert a two-axle vehicle into a three-axle vehicle as described in paragraph 2 is used with or attached to a two-axle vehicle, the gross weight of such converted two-axle vehicle shall not exceed 42,000 pounds. As to weight
of conver-
sion unit
and two-
axle vehicle

(4) Paragraph 5 of subsection 2 of the said section 52 is amended by striking out "30,000" in the fourth line and inserting in lieu thereof "32,000", so that the paragraph shall read as follows: R.S.O. 1960,
c. 172, s. 52,
subs. 2,
par. 5,
amended

As to weight
of two-axle
semi-trailers,
etc.

5. The gross weight of a semi-trailer with two axles or a pole-trailer with two axles so designed that under any loading conditions the weight on both axles remains constant shall not exceed 32,000 pounds.

R.S.O. 1960,
c. 172, s. 52,
subs. 2,
amended

- (5) Subsection 2 of the said section 52 is amended by adding thereto the following paragraph:

As to weight
of three-axle
semi-trailers,
etc.

6. The gross weight of a semi-trailer with three axles or a pole-trailer with three axles so designed that under any loading conditions the weight on the three axles remains constant shall not exceed 32,000 pounds.

R.S.O. 1960,
c. 172, s. 52,
amended

- (6) The said section 52 is amended by adding thereto the following subsections:

Moving of
three-axle
semi-trailers
registered
prior to
July 1, 1961

- (2a) Notwithstanding paragraph 6 of subsection 2, a semi-trailer referred to in paragraph 6 that was registered under this Act prior to the 1st day of July, 1961, subject to section 6, may be moved with a gross weight not exceeding 40,000 pounds on a Class A Highway until and including December 31, 1965.

Combination
of more
than one
motor
vehicle and
trailer, and
combination
exceeding
84,000
pounds,
prohibited

- (2b) After the 31st day of December, 1965,

- (a) no combination of more than one motor vehicle and one trailer, except where such combination includes a pole-trailer; and
(b) no combination of vehicles having a gross weight of more than 84,000 pounds,

shall be moved upon a highway.

R.S.O. 1960,
c. 172,
Part VIII,
amended

7. Part VIII of *The Highway Traffic Act* is amended by adding thereto the following section:

Direction
of traffic by
constable

- 62a. Where a constable or other police officer reasonably considers it necessary,

- (a) to ensure orderly movement of traffic; or
(b) to prevent injury or damage to persons or property; or
(c) to permit proper action in an emergency,

he may direct traffic according to his discretion, notwithstanding the provisions of this Part, and every person shall obey his directions.

8.—(1) Section 69 of *The Highway Traffic Act* is amended by adding thereto the following subsection: R.S.O. 1960,
c. 172, s. 69,
amended

- (1a) The driver or operator of a vehicle parked or stopped on the highway before setting the vehicle in motion shall first see that the movement can be made in safety, and, if in turning the vehicle the operation of any other vehicle may be affected by such movement, shall give a signal plainly visible to the driver or operator of such other vehicle of the intention to make such movement. Signal when
moving
from
parked
position

(2) Subsection 2 of the said section 69 is amended by striking out "subsection 1" in the first line and inserting in lieu thereof "subsections 1 and 1a", so that the subsection shall read as follows: R.S.O. 1960,
c. 172, s. 69,
subs. 2,
amended

- (2) The signal required in subsections 1 and 1a shall be given either by means of the hand and arm in the manner herein specified or by a mechanical or electrical signal device as described in subsection 4. Mode of
signalling
turn

9. *The Highway Traffic Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 172,
amended

69a. No driver or operator of a vehicle upon a highway shall turn the vehicle so as to proceed in the opposite direction when, U-turns
prohibited

- (a) upon a curve where traffic approaching the vehicle from either direction cannot be seen by the driver of the vehicle within a distance of 500 feet;
- (b) on a railway crossing or within 100 feet of a railway crossing;
- (c) upon an approach to or near the crest of a grade where the vehicle cannot be seen by the driver of another vehicle approaching from either direction within 500 feet; or
- (d) within 500 feet of a bridge, viaduct or tunnel where the driver's view is obstructed within such distance.

10.—(1) Subsection 5 of section 70 of *The Highway Traffic Act* is repealed. R.S.O. 1960,
c. 172, s. 70,
subs. 5,
repealed

R.S.O. 1960,
c. 172, s. 70,
amended

(2) The said section 70 is amended by adding thereto the following subsection:

Amber
light

(5a) When an amber signal-light is shown at an intersection, the driver or operator of a vehicle or car of an electric railway that is approaching the intersection and facing such light shall bring his vehicle or car to a full stop at a clearly marked stop line or, if none, then immediately before entering the nearest crosswalk or, if none, then immediately before entering the intersection, provided that, where any such vehicle or car cannot be brought to such a stop in safety, it may be driven cautiously across the intersection.

R.S.O. 1960,
c. 172, s. 70,
subs. 6,
re-enacted

(3) Subsection 6 of the said section 70 is repealed and the following substituted therefor:

Flashing
red

(6) Where a red signal-light illuminated by rapid intermittent flashes is shown at an intersection, the driver or operator of a vehicle or car of an electric railway that is approaching the intersection and facing such light shall bring his vehicle or car to a full stop at a clearly marked stop line or, if none, then immediately before entering the nearest crosswalk or, if none, then immediately before entering the intersection; and upon entering the intersection shall yield the right of way to traffic in the intersection or approaching the intersection on another highway so closely that it constitutes an immediate hazard and having so yielded the right of way may proceed with caution and the traffic approaching the intersection on another highway shall yield the right of way to the vehicle so proceeding in the intersection.

R.S.O. 1960,
c. 172, s. 70,
subs. 9,
amended

(4) Subsection 9 of the said section 70 is amended by adding at the end thereof "and to pedestrians lawfully within a crosswalk", so that the subsection shall read as follows:

Turns
subject to
pedestrian
right of way

(9) When under this section the driver or operator of a vehicle or car of an electric railway is permitted to turn left or right, such driver or operator shall yield the right of way to pedestrians and other traffic lawfully within the intersection and to pedestrians lawfully within a crosswalk.

R.S.O. 1960,
c. 172, s. 70,
subs. 12,
repealed

(5) Subsection 12 of the said section 70 is repealed.

R.S.O. 1960,
c. 172, s. 70,
amended

(6) The said section 70 is further amended by adding thereto the following subsections:

- (12a) When a red or amber signal-light is shown at an intersection, a pedestrian approaching such intersection and facing such light shall not enter the roadway until a green light is shown.

.

- (14a) After the 31st day of December, 1961, no signal-light traffic control system installed before or after such date shall be operated in such a manner as to show green and amber signal-lights simultaneously.

11.—(1) Subsection 1 of section 73 of *The Highway Traffic Act* is amended by striking out "within a city, town or village" in the third line, so that the subsection shall read as follows:

- (1) Notwithstanding section 71 and subject to subsection 2, the driver of a motor vehicle may overtake and pass to the right of another vehicle only under the following conditions:

- (a) when the vehicle overtaken is making or about to make a left turn or its driver has signalled his intention to make a left turn; or
- (b) upon a highway with unobstructed pavement of sufficient width for two or more lines of vehicles in each direction; or
- (c) upon a highway designated for the use of one-way traffic only.

- (2) Subsection 3 of the said section 73 is repealed.

12. Section 94 of *The Highway Traffic Act* is repealed and the following substituted therefor:

- 94.—(1) In subsections 2 to 4, "school bus" means a motor vehicle used for the transportation of children to and from school that,

- (a) bears on the rear thereof the words "do not pass when bus is stopped"; and
- (b) is equipped with two red signal-lights on the rear thereof and two amber signal-lights on the front thereof,

as required by the regulations.

Duty of
driver when
school bus
stopped on
highway

- (2) Where a school bus is stopped on a highway outside a city, town, village, police village or built-up area for the purpose of receiving or discharging school children, the driver of a vehicle,

(a) when overtaking the school bus on the rear of which the words "do not pass when bus is stopped" are marked and two red signal-lights are illuminated by intermittent flashes, shall stop the vehicle before reaching the school bus and shall not proceed until the bus resumes motion or the signal-lights are no longer operating;

(b) when meeting on such a highway, other than a highway with separate roadways, the school bus on the front of which two amber signal-lights are illuminated by intermittent flashes, shall reduce the speed of the vehicle at a distance of not less than 100 feet from the school bus to a reasonable and proper speed having due care for the safety of pedestrians and shall so proceed past the school bus for a distance of not less than 100 feet.

Signal-lights
on school
bus

- (3) The driver of such a school bus upon a highway outside a city, town, village, police village or built-up area, when he is about to stop the bus for the purpose of receiving or discharging school children, shall actuate the signal-lights and shall continue them in operation while stopped for such purpose and shall not otherwise actuate the signal-lights.

Markings
to be
covered
when bus
not used to
transport
children

- (4) The words on a school bus "do not pass when bus is stopped" shall be covered or concealed when the school bus is being operated upon a highway for purposes other than the transportation of children to or from school.

Regulations
re school
buses

- (5) The Lieutenant Governor in Council may make regulations,

(a) respecting the operation of vehicles or any class or type thereof used for transporting children to and from school and operated by or under contract with a school board or other authority in charge of a school;

(b) prescribing the type, design and colour of school buses or any class thereof and the markings to be displayed thereon;

- (c) requiring the use of any equipment on or in such vehicles or any class or type thereof and prescribing the standards and specifications of such equipment;
- (d) prescribing the qualifications of drivers of such vehicles or any class or type thereof and prohibiting the operation thereof by unqualified persons;
- (e) requiring the inspection of such vehicles or any class or type thereof.

13. Subsections 7, 8 and 9 of section 129 of *The Highway Traffic Act* are repealed and the following substituted therefor: R.S.O. 1960, c. 172, s. 129, subss. 7-9, re-enacted

- (7) The Minister shall not pay out of the Fund any amount in respect of a judgment in favour of a person who ordinarily resides outside Ontario unless such person resides in a jurisdiction in which recourse of a substantially similar character to that provided by this Part is afforded to residents of Ontario, provided that no payment shall include an amount in respect of the judgment that would not be payable by the law of the jurisdiction in which such person resides. Payments to non-residents
- (8) The Minister shall not pay out of the Fund costs of an action of more than the actual disbursements and fees as awarded in the judgment as between parties to the action. Costs
- (9) Where, by reason of an action having been maintained in part by an insurer, an application under this section is for payment out of the Fund of only part of the amount of the judgment obtained in the action, the Minister shall not pay out of the Fund more than that part of the costs of the action as awarded in the judgment as between parties to the action that bears the same proportion to the whole of such costs as the total amount of the judgment, less the amount of the insurer's interest in the judgment, bears to the total amount of the judgment. Idem

14. Subsection 3 of section 139 of *The Highway Traffic Act* is amended by striking out "as taxed on a party and party basis" in the third and fourth lines and inserting in lieu thereof "as awarded in the judgment as between parties to the action", so that the subsection shall read as follows: R.S.O. 1960, c. 172, s. 139, subs. 3, amended

Costs

- (3) The Minister shall not pay out of the Fund costs, including costs of the application made under section 134, of more than actual disbursements and fees as awarded in the judgment as between parties to the action.

R.S.O. 1960,
c. 172,
amended

15. *The Highway Traffic Act* is amended by adding thereto the following section:

Duty of
person in
charge of
vehicle in
case of
accident

143a.—(1) Where an accident occurs on a highway, every person in charge of a vehicle or car of an electric railway that is directly or indirectly involved in the accident shall,

- (a) remain at or immediately return to the scene of the accident;
- (b) render all possible assistance; and
- (c) upon request, give in writing to anyone sustaining loss or injury, or to any constable or other police officer or to any witness, his name and address, and also the name and address of the registered owner of such vehicle, and the number of the vehicle permit.

Penalty

- (2) Every person who contravenes any of the provisions of subsection 1 is liable to a fine of not more than \$500 or to imprisonment for a term of not more than six months, or to both, and in addition his licence or permit may be suspended for a period of not more than two years.

R.S.O. 1960,
c. 172,
s. 152,
subs. 1,
re-enacted

16. Subsection 1 of section 152 of *The Highway Traffic Act* is repealed and the following substituted therefor:

Report on
conviction
to Registrar

- (1) A judge, magistrate or justice of the peace who makes a conviction for an offence under this Act or under any other Act of the Legislature or the Parliament of Canada or any regulation or order made under any of them committed by means of a motor vehicle, or for an offence under a municipal by-law regulating traffic on the highways, except convictions for offences for standing or parking, shall forthwith certify the conviction to the Registrar, setting out the name, address and description of the person convicted, the number of his operator's or chauffeur's licence, the number of the permit of the motor vehicle with which the offence was committed, the time the offence was committed and the provision of the Act, regulation, order or by-law contravened.

17.—(1) This Act, except sections 1 to 4, subsections 1, 2, 5 ^{Commence-} and 6 of section 6 and sections 7 to 12, 15 and 16, comes into ^{ment} force on the day it receives Royal Assent.

(2) Sections 1 to 4, subsections 1, 2, 5 and 6 of section 6, ^{Idem} sections 7 to 9, subsections 2, 3, 4 and 6 of section 10 and sections 11, 12, 15 and 16 come into force on the 1st day of July, 1961.

(3) Subsections 1 and 5 of section 10 come into force on the ^{Idem} 1st day of January, 1962.

18. This Act may be cited as *The Highway Traffic Amend-* ^{Short title}
ment Act, 1960-61.

An Act to amend
The Highway Traffic Act

1st Reading

February 24th, 1961

2nd Reading

March 1st, 1961

3rd Reading

March 29th, 1961

MR. ROWNTREE

BILL 85

2ND SESSION, 26TH LEGISLATURE, ONTARIO
9-10 ELIZABETH II, 1960-61

An Act to provide for the Fluoridation of Public Water Supplies

MR. TROY

EXPLANATORY NOTE

The purpose of this Bill is to permit the authorities providing for a public water supply to fluoridate the water along the lines recommended by the Committee appointed to inquire into and report upon the fluoridation of municipal water supplies.

BILL 85

1960-61

An Act to provide for the Fluoridation of Public Water Supplies

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Where a municipality maintains and operates waterworks for the supply of water for use within the municipality, the council may by by-law provide for the introduction of fluorine in any of its compounds into the water supply. Fluoridation of water supplied by municipality for own use

(2) Where a municipality maintains and operates waterworks for the supply of water, in whole or in part, to another municipality and passes a by-law under subsection 1, the water supplied to the other municipality shall not contain fluorine without the consent, given by by-law, of the council of the municipality being supplied. Fluoridation of water supplied for the use of another municipality

(3) Where waterworks are maintained and operated by the Ontario Water Resources Commission for the supply of water to municipalities, the Ontario Water Resources Commission may introduce fluorine in any of its compounds into the water supply. Fluoridation of water supplied by the O.W.R.C.

2. Where, on or after the 1st day of January, 1955, and before this Act comes into force, the electors of a municipality have indicated by a referendum that they favour the introduction of fluorine into the water supply of the municipality, the council of the municipality shall, Effect of referendum held before Act comes into force

- (a) where the municipality is one referred to in subsection 1 of section 1, provide for the introduction of fluorine in any of its compounds into the water supply; and
- (b) where the municipality is one referred to in subsection 2 of section 1, consent to the supply of water in which fluorine has been introduced.

Commence-
ment **3.** This Act comes into force on the day it receives Royal Assent.

Short title **4.** This Act may be cited as *The Fluoridation Act, 1960-61*.

An Act to provide for the
Fluoridation of Public Water Supplies

1st Reading

February 24th, 1961

2nd Reading

3rd Reading

MR. TROY

BILL 86

2ND SESSION, 26TH LEGISLATURE, ONTARIO
9-10 ELIZABETH II, 1960-61

An Act to amend The Hours of Work and Vacations with Pay Act

MR. BRYDEN

EXPLANATORY NOTE

The Bill reduces the maximum working week from forty-eight hours to forty hours, and ensures that the reduction in hours does not affect the wages now earned in a maximum working week. The Industry and Labour Board is authorized to provide for a gradual transition.

BILL 86

1960-61

An Act to amend The Hours of Work and Vacations with Pay Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Hours of Work and Vacations with Pay Act* is amended by adding thereto the following clause: R.S.O. 1960,
c. 181, s. 1,
amended

(dd) "regular weekly working hours" means the hours regularly worked in a week by employees without payment of an overtime rate of pay.

2. Subsection 1 of section 2 of *The Hours of Work and Vacations with Pay Act* is amended by striking out "forty-eight" in the third line and inserting in lieu thereof "forty", R.S.O. 1960,
c. 181, s. 2,
subs. 1,
amended so that the subsection shall read as follows:

(1) Subject to this Act, the working hours of an employee in an industrial undertaking shall not exceed eight of hours in the day and forty in the week of work

3.—(1) Where, immediately before this Act comes into force, the regular weekly working hours of an employee in an industrial undertaking are more than forty hours and the employee is paid at a rate other than an hourly or daily rate or for piece work, the employer shall not reduce the employee's rate of wages for the reason that the hours are reduced. When rate
of wages
not affected

(2) Where, immediately before this Act comes into force, the regular weekly working hours of an employee in an industrial undertaking are more than forty hours and the employee is paid at an hourly or daily rate or at a rate for piece work, the employer shall increase the rate by the same proportion as the number of regular weekly working hours bears to forty. When rate
of wages
converted

4. Where the regular weekly working hours in an industrial undertaking or branch thereof are more than forty and the Board is satisfied that the coming into force of section 2 would work Board
may
provide for
transition

undue hardship, the Board may, by order, authorize a progressive reduction of the regular weekly working hours in the industrial undertaking or branch thereof, upon such terms and conditions as the Board deems advisable, but subsection 1 of section 2 of *The Hours of Work and Vacations with Pay Act*, as amended by section 2, shall be fully complied with not later than the 1st day of July, 1962.

Commence-
ment

5. This Act comes into force on the 1st day of July, 1961.

Short title

6. This Act may be cited as *The Hours of Work and Vacations with Pay Amendment Act, 1960-61*.

An Act to amend
The Hours of Work and
Vacations with Pay Act

1st Reading

February 24th, 1961

2nd Reading

3rd Reading

MR. BRYDEN

BILL 87

2ND SESSION, 26TH LEGISLATURE, ONTARIO
9-10 ELIZABETH II, 1960-61

An Act to amend The Ontario Energy Board Act

MR. MACAULAY

EXPLANATORY NOTE

This new provision complements clause *j* of section 28 of *The Ontario Energy Board Act* and section 8 of *The Energy Act* and is designed to ensure jurisdiction in these instances.

BILL 87

1960-61

An Act to amend The Ontario Energy Board Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 12 of *The Ontario Energy Board Act* is amended by adding thereto the following subsection: R.S.O. 1960,
c. 271, s. 12,
amended

(1a) Notwithstanding subsection 1, the Board has authority to act and may act under and in accordance with clause *j* of section 28 of this Act or section 8 of *The Energy Act*. Additional
authority

R.S.O. 1960,
c. 122

2. This Act comes into force on the day it receives Royal Assent. Commence-
ment

3. This Act may be cited as *The Ontario Energy Board Amendment Act, 1960-61*. Short title

An Act to amend
The Ontario Energy Board Act

1st Reading

February 24th, 1961

2nd Reading

3rd Reading

MR. MACAULAY

BILL 87

2ND SESSION, 26TH LEGISLATURE, ONTARIO
9-10 ELIZABETH II, 1960-61

An Act to amend The Ontario Energy Board Act

MR. MACAULAY

BILL 87

1960-61

**An Act to amend
The Ontario Energy Board Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 12 of *The Ontario Energy Board Act* is amended by adding thereto the following subsection: R.S.O. 1960,
c. 271, s. 12,
amended

(1a) Notwithstanding subsection 1, the Board has authority to act and may act under and in accordance with clause *j* of section 28 of this Act or section 8 of *The Energy Act*. Additional
authority
R.S.O. 1960,
c. 122

2. This Act comes into force on the day it receives Royal Assent. Commence-
ment

3. This Act may be cited as *The Ontario Energy Board Amendment Act, 1960-61*. Short title

An Act to amend
The Ontario Energy Board Act

1st Reading

February 24th, 1961

2nd Reading

March 1st, 1961

3rd Reading

March 9th, 1961

MR. MACAULAY

BILL 88

2ND SESSION, 26TH LEGISLATURE, ONTARIO
9-10 ELIZABETH II, 1960-61

An Act to amend The Municipal Act

MR. WARRENDER

EXPLANATORY NOTES

SECTION 1. The amendment is to make it clear that a police village must have a population of not less than 500 in order to be incorporated as a village. This is in line with the population requirement where any locality is incorporated as a village.

SECTION 2. The new subsection 4a provides that, if an order granting annexation of part of a municipality would leave the remaining part of the municipality in such a position that it would be desirable to annex part or all of it to one or more contiguous municipalities, the Board may so order.

BILL 88

1960-61

An Act to amend The Municipal Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 5 of section 10 of *The Municipal Act* is ^{R.S.O. 1960,} amended by inserting after "village" in the second line ^{c. 249, s. 10,} "having a population of not less than 500", so that the sub-^{subs. 5,} amended section shall read as follows:

- (5) The Municipal Board, upon the application of the ^{Idem} trustees of a police village having a population of not less than 500, may incorporate the inhabitants of the locality comprising the police village as a village.

2. Section 14 of *The Municipal Act* is amended by adding ^{R.S.O. 1960,} thereto the following subsection: ^{c. 249, s. 14,} amended

- (4a) If it appears that by reason of an application made ^{Annexation} under subsection 2 a municipality would, if an order ^{of remaining} were made granting the application, be left, in regard ^{part of} to size, assets, location or otherwise, in such condition ^{municipality} that it would be desirable to annex the whole or part ^{following} or parts of the municipality remaining after such ^{order} order to some other contiguous municipality or municipalities, the Municipal Board may, after notice to such contiguous municipality or municipalities and a public hearing, order,

- (a) that the whole or part or parts of the municipality so remaining be annexed to such contiguous municipality or municipalities; and
- (b) in the event that the whole of the municipality so remaining is annexed to some other municipality or municipalities, that the municipality is dissolved.

R.S.O. 1960,
c. 249, s. 35,
subs. 3,
amended

3. Subsection 3 of section 35 of *The Municipal Act* is amended by adding thereto the following clause:

- (k) of his being entitled to or receiving a pension, retirement allowance, sick leave credit gratuity or any payment in respect of his employment or service with a municipality or local board, as defined in *The Department of Municipal Affairs Act*, from or under a contract with a municipality or a local board on or after his retirement from employment or service with the municipality or local board.

R.S.O. 1960,
c. 98

R.S.O. 1960,
c. 249, s. 190,
subs. 1,
re-enacted

4. Subsection 1 of section 190 of *The Municipal Act* is repealed and the following substituted therefor:

Open
meetings

R.S.O. 1960,
c. 98

- (1) The meetings, except meetings of a committee including a committee of the whole, of every council and every local board, as defined by *The Department of Municipal Affairs Act*, except boards of commissioners of police and school boards, shall be open to the public, and no person shall be excluded therefrom except for improper conduct.

R.S.O. 1960,
c. 249, s. 197,
subs. 1,
amended

5. Subsection 1 of section 197 of *The Municipal Act* is amended by inserting at the commencement thereof "Except where he is disqualified to vote by reason of interest or otherwise", so that the subsection shall read as follows:

Voting to
be open
and to be
recorded

- (1) Except where he is disqualified to vote by reason of interest or otherwise, where a division is taken upon the election of a warden or other presiding officer, upon the appointment of an officer of the corporation or upon a by-law, resolution or for any other purpose, each member present shall announce his vote openly and individually, and the clerk shall record it.

R.S.O. 1960,
c. 249,
amended

6. *The Municipal Act* is amended by adding thereto the following section:

Disclosure
of interest
in contract
R.S.O. 1960,
c. 98

198a.—(1) If a member of a council or local board, as defined in *The Department of Municipal Affairs Act*, has any pecuniary interest, direct or indirect, in any contract or proposed contract with the council or local board, as the case may be, or in any other matter in which the council or local board, as the case may be, is concerned and is present at a meeting of the council or local board, as the case may be, at which the contract, proposed contract or other matter is the subject of consideration, he shall, as soon as practicable after the commencement of the

SECTION 3. In clauses *g* and *r* of subsection 1 of section 35 of *The Municipal Act*, a person who has an interest in a contract with or a claim against a municipal corporation is not eligible to be elected as a member of council. The new clause *k* provides that this disqualification does not apply to a person by reason only that he is entitled to receive or is receiving a pension, retirement allowance, severance pay or other such payment from a municipality.

SECTION 4. At present subsection 1 of section 190 provides that ordinary meetings of council shall be open. The subsection as re-enacted provides that all meetings, except committee meetings, shall be open. The amendment applies to councils and all local boards, except school boards to which similar provisions apply under *The Schools Administration Act*, and boards of commissioners of police.

SECTIONS 5 and 6. These amendments provide for the disclosure by a member of council or of a local board of any interest in any matter coming before the council or local board and prohibits him from taking any part in the consideration or discussion of or voting on any question in respect of such matter.

SECTION 7. The amendment is to correct a typographical error in the 1960 revision of the statutes.

SECTION 8. Subsection 6 at present prohibits the appointment of a person as an auditor who during the preceding year may have been employed to perform some services for a municipality which were of an accounting nature but were not performed as an auditor. The amendment provides that such a person is not disqualified under such circumstances.

meeting, disclose his interest and shall not take part in the consideration or discussion of, or vote on any question with respect to, the contract, proposed contract or other matter.

- (2) Subsection 1 does not apply to an interest in a contract, proposed contract or other matter that a member may have as a ratepayer or elector or as a user of any public utility service supplied to him by the council or local board in like manner and subject to the like conditions as are applicable in the case of persons who are not members of the council or local board, or to an interest in any matter relating to the terms on which the right to participate in any service, including the supply of goods, is offered to the public. Not applicable to interest in certain matters
- (3) The failure of one or more members of a council or local board to comply with subsection 1 does not invalidate the proceedings of such council or local board in respect of the contract, proposed contract or other matter mentioned in subsection 1. Effect of failure to disclose on proceedings of council
- (4) Every disclosure of interest at a meeting shall be recorded in the minutes of the meeting by the clerk of the municipality or secretary of the local board, as the case may be. Recording of disclosure
- (5) Where it appears at any meeting that a disclosure of interest that should have been made at the meeting or at any previous meeting was not made, the fact that the disclosure of interest was not made shall be recorded in the minutes of the meeting by the clerk of the municipality or local board, as the case may be. Recording of non-disclosure

7. Subsection 2 of section 216 of *The Municipal Act* is amended by striking out "box" in the first line and inserting in lieu thereof "book", so that the subsection, exclusive of the clauses, shall read as follows: R.S.O. 1960, c. 249, s. 216, subs. 2, amended

- (2) The clerk shall keep an index book in which he shall enter the number and date of, Index of restricted area by-laws, etc.

.

8. Subsection 6 of section 228 of *The Municipal Act* is amended by striking out "with the municipality or any of the aforementioned local boards or any employment with any of them other than as an auditor" in the seventh, eighth R.S.O. 1960, c. 249, s. 228, subs. 6, amended

and ninth lines and inserting in lieu thereof "or any employment with the municipality or any of such local boards other than for services within his professional capacity", so that the subsection shall read as follows:

Disqualifi-
cation of
persons as
auditors

- (6) No person shall be appointed as an auditor of a municipality who is or during the preceding year was a member of the council or any local board of the municipality or of any other local board the accounts and transactions of which it would as auditor be his duty to audit or who has or during the preceding year had any direct or indirect interest in any contract or any employment with the municipality or any of such local boards other than for services within his professional capacity.

R.S.O. 1960,
c. 249, s. 286,
subs. 2,
amended

9.—(1) Subsection 2 of section 286 of *The Municipal Act* is amended by inserting after "year" in the third line "when it is a debt payable within the two-year term for which the council was elected at a biennial election or", so that the subsection, exclusive of the clauses, shall read as follows:

Projects
for which
corporation
not deemed
to incur
debt, pay-
ment of
which is not
provided
for in
estimates

- (2) A corporation shall not be deemed to be incurring a debt, the payment of which is not provided for in the estimates of the current year, when it is a debt payable within the two-year term for which the council was elected at a biennial election or with respect to any of the following undertakings, works, projects, schemes, acts, matters or things, except where the whole or any part of the cost thereof is to be provided for by the issue of debentures by any municipality,

.

R.S.O. 1960,
c. 249, s. 286,
subs. 3, cl. d,
amended

(2) Clause *d* of subsection 3 of the said section 286 is amended by striking out "of a county, or" in the first line, so that the clause shall read as follows:

- (*d*) by the council of a city that forms part of a county for judicial purposes, for providing money for erecting, rebuilding, enlarging, furnishing and equipping the court house and offices to be used in connection therewith, a jail, a jailer's residence and a registry office, and for acquiring such land and buildings as may be necessary or convenient for such purposes; or

.

SECTION 9—Subsection 1. The amendment gives councils elected for a two-year term at biennial elections the power to incur a debt payable within their term of office without the approval of the Ontario Municipal Board.

Subsections 2 and 3. These amendments provide that subsection 1 of section 286, which provides that a municipality shall not incur a debt the payment of which is not provided for in the estimates for the current year unless a by-law authorizing it is passed with the assent of the electors, does not apply to a county council.

SECTION 10. This amendment permits a levy to be made on real property at any time in the year prior to the adoption of the estimates to produce a sum not exceeding 50 per cent of that produced by applying the previous year's public school supporter's residential rate to all real property assessment. It also provides that the provisions of *The Assessment Act* with respect to the levy of yearly rates and the collection of taxes shall apply.

SECTION 11. At present, under section 302, municipalities are restricted to investing moneys not immediately required in treasury bills or short-term bonds of the Federal or Provincial Government. The section as re-enacted also permits the investment of such moneys in fixed-term deposits with chartered banks.

SECTION 12. The sections repealed provide for the administration and distribution of public school funds, such as the Ontario Municipalities Fund, held by municipalities. These provisions are being revised and transferred to *The Public Schools Act*.

(3) Subsection 3 of the said section 286 is amended by adding "or" at the end of clause *m* and by adding thereto the following clause: R.S.O. 1960,
c. 249, s. 286,
subs. 3,
amended

(*n*) by the council of a county.

10. *The Municipal Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 249,
amended

294a.—(1) Notwithstanding section 294, the council of every local municipality may, in any year, before the adoption of the estimates for that year, levy on the whole of the assessment for real property according to the last revised assessment roll a sum not exceeding 50 per cent of that which would be produced by applying to such assessment the total rate for all purposes levied in the preceding year on residential real property of public school supporters. Levy
authorized
before
estimates
adopted

(2) Where in any year a levy is made under subsection 1, the amount required to be raised in that year by levy under section 294 with respect to real property shall be reduced by the amount to be raised by the levy under subsection 1. Levy under
s. 294 to
be reduced

(3) The provisions of *The Assessment Act*, with respect to the levy of the yearly rates and the collection of taxes, apply *mutatis mutandis* to the levy of rates and collection of taxes under this section, provided that any penalty imposed under subsection 3 of section 120 of *The Assessment Act* for non-payment of any taxes or an instalment thereof levied under this section shall not exceed one-half of 1 per cent. Application
of R.S.O.
1960, c. 23

11. Section 302 of *The Municipal Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 249, s. 302,
re-enacted

302. Where a municipality has moneys not required immediately by the municipality, such moneys may be invested in treasury bills or short-term bonds of the Government of Canada or Province of Ontario and in fixed-term deposits with any chartered bank, provided that the treasury bills, short-term bonds or deposit certificates become due and payable before the moneys invested therein are required by the municipality, and all interest thereon shall be credited to the fund from which the moneys were invested. Investment
of moneys
not
immediately
required

12. Sections 317 and 318 of *The Municipal Act* are repealed. R.S.O. 1960,
c. 249,
ss. 317, 318,
repealed

R.S.O. 1960,
c. 249, s. 377,
par. 35,
amended

13.—(1) Paragraph 35 of section 377 of *The Municipal Act* is amended by adding thereto the following clause:

- (b) The council of a county may provide for the assumption in whole or in part of the outstanding debenture liability or other obligation of any local municipality within the county incurred by any such local municipality for any of the purposes mentioned in this paragraph, but no by-law passed under this clause shall be repealed or amended without the approval of the Department.

R.S.O. 1960,
c. 249, s. 377,
par. 60,
amended

(2) Paragraph 60 of the said section 377 is amended by adding thereto the following clause:

Application
of cl. b

- (c) Clause b applies only where the transfer of employment from one municipality or local board to another municipality or local board is made without intervening employment that interrupts the continuity of employment under which sick leave credits are accumulated.

R.S.O. 1960,
c. 249, s. 379,
subs. 1,
par. 48,
repealed

14.—(1) Paragraph 48 of subsection 1 of section 379 of *The Municipal Act* is repealed.

Application
to by-laws

(2) Subsection 1 does not affect any by-law, heretofore lawfully passed, granting a fixed assessment until the term of the fixed assessment granted by the by-law has expired.

R.S.O. 1960,
c. 249, s. 379,
subs. 1,
par. 79,
amended

(3) Paragraph 79 of subsection 1 of the said section 379 is amended by striking out "hoists" in the second line, so that the paragraph shall read as follows:

Construc-
tion of
scaffolding,
etc.

79. For regulating and inspecting the construction and erection of scaffolding and other apparatus and appliances used in erecting, repairing, altering or improving buildings, chimneys, or other structures, and for making regulations for the protection and safety of workmen and others employed thereon; and for appointing inspectors of scaffolding.

R.S.O. 1960,
c. 249, s. 379,
subs. 1,
amended

(4) Subsection 1 of the said section 379 is amended by adding thereto the following paragraph:

Public bus
transporta-
tion systems
R.S.O. 1960,
cc. 337, 172

- 88a. Subject to *The Public Vehicles Act* and *The Highway Traffic Act*, for acquiring, establishing, maintaining and operating a public bus transportation system within the municipality and, subject to the approval of the council of any adjoining municipality, within

SECTION 13—Subsection 1. The amendment authorizes a county to assume in whole or in part the outstanding obligations of any local municipality in the county incurred in granting aid to hospitals.

Subsection 2. The amendment provides that the transfer of sick leave credits from the plan of one municipality or local board to another only applies where there is no intervening employment to which the clause providing for the transfer does not apply.

SECTION 14—Subsection 1. The authority to grant fixed assessments is repealed.

Subsection 2. Subsection 2 provides that the repeal does not affect existing by-laws until the term of the fixed assessment granted by the by-law has expired.

Subsection 3. The amendment removes the authority of municipalities to pass by-laws respecting hoists as the matter is dealt with in Bill 25, *The Construction Hoists Act, 1960-61*.

Subsection 4. The amendment authorizes local municipalities to acquire, establish and operate a bus transportation system. A complementary amendment is proposed to *The Public Utilities Act* to provide for entrusting the operation of the system to a commission.

SECTION 15. The paragraph repealed authorizes urban municipalities to regulate and inspect hoists and elevators. These matters are now dealt with in Bill 25, *The Construction Hoists Act, 1960-61* and in *The Elevators and Lifts Act*.

SECTION 16. Section 384 at present authorizes cities and towns to make grants to universities, colleges, historical societies, etc., and to endow fellowships in them, to grant aid to art schools and private training schools and to support certain pupils at universities, colleges and high schools. This authority is extended to townships.

SECTION 17. The repeal of paragraph 1 is complementary to Bill 39, *The Bailiffs Act, 1960-61*. Paragraph 1 authorizes municipalities to license and regulate bailiffs. Hereafter, bailiffs will be licensed and regulated under *The Bailiffs Act, 1960-61*.

the limits of such adjoining municipality, which by-laws, without limiting the generality of the foregoing, may provide,

- i. that the right to maintain and operate buses for the conveyance of passengers within the municipality is exclusive as against all other persons, but such right does not affect the right of any public, separate, continuation or high school board or board of education to provide transportation for pupils.
- ii. for the acquisition, by purchase or otherwise, of the bus transportation facilities and equipment of any person operating buses for the conveyance of passengers within the municipality,
- iii. for the acquisition, by purchase or otherwise, of any real or personal property required for the establishment, operation, maintenance or extension of the system,
- iv. for the transportation and conveyance of passengers throughout Ontario, whether by chartered trips or otherwise,
- v. for fixing transportation fares and tolls and making regulations with respect to the operation and control of the system, and
- vi. for entering into an agreement with any adjoining municipality with respect to the terms upon which public bus transportation shall be furnished by the municipality in such adjoining municipality.

15. Paragraph 6 of section 381 of *The Municipal Act* is repealed. R.S.O. 1960,
c. 249, s. 381,
par. 6,
repealed

16. Section 384 of *The Municipal Act* is amended by striking out "and towns" in the second line and inserting in lieu thereof "towns and townships", so that the section, exclusive of the paragraphs, shall read as follows: R.S.O. 1960,
c. 249, s. 384,
amended

384. By-laws may be passed by the councils of counties, cities, towns and townships:

.

17. Paragraph 1 of section 390 of *The Municipal Act* is repealed. R.S.O. 1960,
c. 249, s. 390,
par. 1,
repealed

R.S.O. 1960,
c. 249, s. 398,
amended

18. Section 398 of *The Municipal Act* is amended by striking out "and towns in unorganized territory" in the second line and inserting in lieu thereof "towns in unorganized territory and townships having a population of not less than 100,000", so that the section, exclusive of the paragraph, shall read as follows:

398. By-laws may be passed by the councils of counties, cities, separated towns, towns in unorganized territory and townships having a population of not less than 100,000:

.

R.S.O. 1960,
c. 249, s. 399,
subs. 1,
par. 1, cl. f,
amended

19. Clause *f* of paragraph 1 of subsection 1 of section 399 of *The Municipal Act* is amended by striking out "but no licence fee in excess of \$2 shall be prescribed in the by-law without the approval of the Department" in the seventh, eighth and ninth lines, so that the clause shall read as follows:

Fees

(*f*) The fee to be paid for the licence under by-laws passed under this paragraph may be lower in the case of persons who have resided continuously within the municipality for which the licence is sought for at least one year prior to the application therefor than in the case of persons who have not so continuously resided.

R.S.O. 1960,
c. 249, s. 401,
par. 15, cl. b,
subcl. iii,
amended

20. Subclause iii of clause *b* of paragraph 15 of section 401 of *The Municipal Act* is amended by striking out "\$10" in the first line and inserting in lieu thereof "\$20", so that the subclause shall read as follows:

(iii) require a licence fee of not more than \$20 per month payable by the owner of a trailer camp for each such lot and require fees to be paid in advance.

R.S.O. 1960,
c. 249, s. 403,
amended

21. Section 403 of *The Municipal Act* is amended by inserting after "cities" in the second line "and, in respect of paragraph 3, by the councils of towns, villages and townships", so that the section, exclusive of the paragraphs, shall read as follows:

403. By-laws may be passed by boards of commissioners of police of cities and, in respect of paragraph 3, by the councils of towns, villages and townships:

.

R.S.O. 1960,
c. 249, s. 407,
re-enacted

22. Section 407 of *The Municipal Act* is repealed and the following substituted therefor:

SECTION 18. This amendment extends to townships of 100,000 or more population the power to regulate, in defined areas of the municipality, the operation of certain businesses, such as tanneries, salvage yards and industries of a noxious or unhealthy character.

SECTION 19. The requirement that no licence fee in excess of \$2 shall be prescribed in a by-law licensing and regulating hawkers and pedlars without the approval of the Department is deleted.

SECTION 20. The maximum fee for trailers in trailer camps is increased from \$10 to \$20.

SECTION 21. The authority given to cities to regulate processions and parades is extended to towns, villages and townships.

SECTION 22. The present section provides for a payment to members of local boards, except school and library boards, of such annual allowance as may be approved by the Department.

The amendment provides for the payment of such salary, expenses or allowances as may be approved by the council or, where more than one municipality is concerned, by the council designated by the Department.

SECTION 23. This paragraph permits the installation of meters for controlling parking of vehicles on highways and charging of fees for parking. The amendment is to make it clear that the penalty imposed by a by-law may be imposed on the owner of the vehicle as well as on the driver.

407. A local board, as defined in *The Department of Municipal Affairs Act*, of a municipality, except school and library boards, may provide for the payment of such salary, expenses or allowances for the members thereof as may be approved by the council of the municipality or, where more than one municipality is concerned, by the council designated by the Department.

Annual salary for members of local boards
R.S.O. 1960, c. 98

23. Paragraph 7 of section 476 of *The Municipal Act* is amended by adding thereto the following clause:

R.S.O. 1960, c. 249, s. 476, par. 7, amended

- (b) The driver of a vehicle, not being the owner, is liable to any penalty provided under a by-law passed under this paragraph and the owner of the vehicle is also liable to such a penalty unless at the time the offence was committed the vehicle was in the possession of a person other than the owner or his chauffeur without the owner's consent.
- Owner and driver liable for penalties

24.—(1) This Act, except section 7, subsection 1 of section 13 and section 17, comes into force on the day it receives Royal Assent.

Commencement

(2) Subsection 1 of section 13 shall be deemed to have come into force on the 1st day of January, 1958.

Idem

(3) Section 7 shall be deemed to have come into force on the 1st day of January, 1961.

Idem

(4) Section 17 comes into force on the 1st day of January, 1962.

Idem

25. This Act may be cited as *The Municipal Amendment Act, 1960-61*.

Short title

The Municipal Act

1st Reading

February 27th, 1961

2nd Reading

3rd Reading

MR. WARRENDER

BILL 88

2ND SESSION, 26TH LEGISLATURE, ONTARIO
9-10 ELIZABETH II, 1960-61

An Act to amend The Municipal Act

MR. WARRENDER

(Reprinted as amended by the Committee on Municipal Law)

EXPLANATORY NOTES

SECTION 1. The amendment is to make it clear that a police village must have a population of not less than 500 in order to be incorporated as a village. This is in line with the population requirement where any locality is incorporated as a village.

SECTION 2. The new subsection 4a provides that, if an order granting annexation of part of a municipality would leave the remaining part of the municipality in such a position that it would be desirable to annex part or all of it to one or more contiguous municipalities, the Board may so order.

BILL 88

1960-61

An Act to amend The Municipal Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 5 of section 10 of *The Municipal Act* is ^{R.S.O. 1960, c. 249, s. 10, subs. 5, amended} amended by inserting after "village" in the second line "having a population of not less than 500", so that the subsection shall read as follows:

- (5) The Municipal Board, upon the application of the ^{idem} trustees of a police village having a population of not less than 500, may incorporate the inhabitants of the locality comprising the police village as a village.

2. Section 14 of *The Municipal Act* is amended by adding ^{R.S.O. 1960, c. 249, s. 14, amended} thereto the following subsection:

- (4a) If it appears that by reason of an application made ^{Annexation of remaining part of municipality following order} under subsection 2 a municipality would, if an order were made granting the application, be left, in regard to size, assets, location or otherwise, in such condition that it would be desirable to annex the whole or part or parts of the municipality remaining after such order to some other contiguous municipality or municipalities, the Municipal Board may, after notice to such contiguous municipality or municipalities and a public hearing, order,

- (a) that the whole or part or parts of the municipality so remaining be annexed to such contiguous municipality or municipalities; and
- (b) in the event that the whole of the municipality so remaining is annexed to some other municipality or municipalities, that the municipality is dissolved.

R.S.O. 1960,
c. 249, s. 35,
subs. 3,
amended

3. Subsection 3 of section 35 of *The Municipal Act* is amended by adding thereto the following clause:

- (k) of his being entitled to or receiving a pension, retirement allowance, sick leave credit gratuity or any payment in respect of his employment or service with a municipality or local board, as defined in *The Department of Municipal Affairs Act*, from or under a contract with a municipality or a local board on or after his retirement from employment or service with the municipality or local board.

R.S.O. 1960,
c. 98

R.S.O. 1960,
c. 249, s. 190,
subs. 1,
re-enacted

4. Subsection 1 of section 190 of *The Municipal Act* is repealed and the following substituted therefor:

Open
meetings

- (1) The meetings, except meetings of a committee including a committee of the whole, of every council and every local board, as defined by *The Department of Municipal Affairs Act*, except boards of commissioners of police and school boards, shall be open to the public, and no person shall be excluded therefrom except for improper conduct.

R.S.O. 1960,
c. 98

R.S.O. 1960,
c. 249, s. 197,
subs. 1,
amended

5. Subsection 1 of section 197 of *The Municipal Act* is amended by inserting at the commencement thereof "Except where he is disqualified to vote by reason of interest or otherwise", so that the subsection shall read as follows:

Voting to
be open
and to be
recorded

- (1) Except where he is disqualified to vote by reason of interest or otherwise, where a division is taken upon the election of a warden or other presiding officer, upon the appointment of an officer of the corporation or upon a by-law, resolution or for any other purpose, each member present shall announce his vote openly and individually, and the clerk shall record it.

R.S.O. 1960,
c. 249,
amended

6. *The Municipal Act* is amended by adding thereto the following section:

Disclosure
of interest
in contract
R.S.O. 1960,
c. 98

198a.—(1) If a member of a council or local board, as defined in *The Department of Municipal Affairs Act*, has any pecuniary interest, direct or indirect, in any contract or proposed contract with the council or local board, as the case may be, or in any other matter in which the council or local board, as the case may be, is concerned and is present at a meeting of the council or local board, as the case may be, at which the contract, proposed contract or other matter is the subject of consideration, he shall, as soon as practicable after the commencement of the

SECTION 3. In clauses *q* and *r* of subsection 1 of section 35 of *The Municipal Act*, a person who has an interest in a contract with or a claim against a municipal corporation is not eligible to be elected as a member of council. The new clause *k* provides that this disqualification does not apply to a person by reason only that he is entitled to receive or is receiving a pension, retirement allowance, severance pay or other such payment from a municipality.

SECTION 4. At present subsection 1 of section 190 provides that ordinary meetings of council shall be open. The subsection as re-enacted provides that all meetings, except committee meetings, shall be open. The amendment applies to councils and all local boards, except school boards to which similar provisions apply under *The Schools Administration Act*, and boards of commissioners of police.

SECTIONS 5 and 6. These amendments provide for the disclosure by a member of council or of a local board of any interest in any matter coming before the council or local board and prohibits him from taking any part in the consideration or discussion of or voting on any question in respect of such matter.

SECTION 7. The amendment is to correct a typographical error in the 1960 revision of the statutes.

SECTION 8. Subsection 6 at present prohibits the appointment of a person as an auditor who during the preceding year may have been employed to perform some services for a municipality which were of an accounting nature but were not performed as an auditor. The amendment provides that such a person is not disqualified under such circumstances.

meeting, disclose his interest and shall not take part in the consideration or discussion of, or vote on any question with respect to, the contract, proposed contract or other matter.

- (2) Subsection 1 does not apply to an interest in a contract, proposed contract or other matter that a member may have as a ratepayer or elector or as a user of any public utility service supplied to him by the council or local board in like manner and subject to the like conditions as are applicable in the case of persons who are not members of the council or local board, or to an interest in any matter relating to the terms on which the right to participate in any service, including the supply of goods, is offered to the public. Not applicable to interest in certain matters
- (3) The failure of one or more members of a council or local board to comply with subsection 1 does not invalidate the proceedings of such council or local board in respect of the contract, proposed contract or other matter mentioned in subsection 1. Effect of failure to disclose on proceedings of council
- (4) Every disclosure of interest at a meeting shall be recorded in the minutes of the meeting by the clerk of the municipality or secretary of the local board, as the case may be. Recording of disclosure
- (5) Where it appears at any meeting that a disclosure of interest that should have been made at the meeting or at any previous meeting was not made, the fact that the disclosure of interest was not made shall be recorded in the minutes of the meeting by the clerk of the municipality or local board, as the case may be. Recording of non-disclosure

7. Subsection 2 of section 216 of *The Municipal Act* is amended by striking out "box" in the first line and inserting in lieu thereof "book", so that the subsection, exclusive of the clauses, shall read as follows: R.S.O. 1960, c. 249, s. 216, subs. 2, amended

- (2) The clerk shall keep an index book in which he shall enter the number and date of, Index of restricted area by-laws, etc.

.

8. Subsection 6 of section 228 of *The Municipal Act* is amended by striking out "with the municipality or any of the aforementioned local boards or any employment with any of them other than as an auditor" in the seventh, eighth R.S.O. 1960, c. 249, s. 228, subs. 6, amended

and ninth lines and inserting in lieu thereof "or any employment with the municipality or any of such local boards other than for services within his professional capacity", so that the subsection shall read as follows:

Disqualifi-
cation of
persons as
auditors

- (6) No person shall be appointed as an auditor of a municipality who is or during the preceding year was a member of the council or any local board of the municipality or of any other local board the accounts and transactions of which it would as auditor be his duty to audit or who has or during the preceding year had any direct or indirect interest in any contract or any employment with the municipality or any of such local boards other than for services within his professional capacity.

R.S.O. 1960,
c. 249, s. 282,
subs. 1, cl. a,
amended

9. Clause *a* of subsection 1 of section 282 of *The Municipal Act* is amended by striking out "sewers" in the second line, so that the clause shall read as follows:

- (a) if the debt is for railways, harbour works or improvements, gas or waterworks, the purchase or improvement of parks or the erection of high, continuation or public school houses, public hospitals and the acquiring of land therefor, or for electric light, heat or power works or water privileges or land used in connection therewith, or for acquiring land for a drill-shed or armoury, in thirty years.

R.S.O. 1960,
c. 249, s. 286,
subs. 2,
amended

10.—(1) Subsection 2 of section 286 of *The Municipal Act* is amended by inserting after "year" in the third line "when it is a debt payable within the two-year term for which the council was elected at a biennial election or", so that the subsection, exclusive of the clauses, shall read as follows:

Projects
for which
corporation
not deemed
to incur
debt, pay-
ment of
which is not
provided
for in
estimates

- (2) A corporation shall not be deemed to be incurring a debt, the payment of which is not provided for in the estimates of the current year, when it is a debt payable within the two-year term for which the council was elected at a biennial election or with respect to any of the following undertakings, works, projects, schemes, acts, matters or things, except where the whole or any part of the cost thereof is to be provided for by the issue of debentures by any municipality,

R.S.O. 1960,
c. 249, s. 286,
subs. 3, cl. d,
amended

(2) Clause *d* of subsection 3 of the said section 286 is amended by striking out "of a county, or" in the first line, so that the clause shall read as follows:

SECTION 9. The amendment is to permit municipalities to take advantage of special federal loans for sewers. The term of the federal loans is up to 50 years instead of 30 years as limited by clause *a*.

SECTION 10—Subsection 1. The amendment gives councils elected for a two-year term at biennial elections the power to incur a debt payable within their term of office without the approval of the Ontario Municipal Board.

Subsections 2 and 3. These amendments provide that subsection 1 of section 286, which provides that a municipality shall not incur a debt the payment of which is not provided for in the estimates for the current year unless a by-law authorizing it is passed with the assent of the electors, does not apply to a county council.

SECTION 11. This amendment permits a levy to be made on real property at any time in the year prior to the adoption of the estimates to produce a sum not exceeding 50 per cent of that produced by applying the previous year's public school supporter's residential rate to all real property assessment. It also provides that the provisions of *The Assessment Act* with respect to the levy of yearly rates and the collection of taxes shall apply.

SECTION 12. At present, under section 302, municipalities are restricted to investing moneys not immediately required in treasury bills or short-term bonds of the Federal or Provincial Government. The section as re-enacted also permits the investment of such moneys in fixed-term deposits with chartered banks.

- (d) by the council of a city that forms part of a county for judicial purposes, for providing money for erecting, rebuilding, enlarging, furnishing and equipping the court house and offices to be used in connection therewith, a jail, a jailer's residence and a registry office, and for acquiring such land and buildings as may be necessary or convenient for such purposes; or

.

- (3) Subsection 3 of the said section 286 is amended by adding "or" at the end of clause *m* and by adding thereto the following clause: R.S.O. 1960, c. 249, s. 286, subs. 3, amended

- (n) by the council of a county.

- 11.** *The Municipal Act* is amended by adding thereto the following section: R.S.O. 1960, c. 249, amended

- 294a.—(1) Notwithstanding section 294, the council of every local municipality may, in any year, before the adoption of the estimates for that year, levy on the whole of the assessment for real property according to the last revised assessment roll a sum not exceeding 50 per cent of that which would be produced by applying to such assessment the total rate for all purposes levied in the preceding year on residential real property of public school supporters. Levy authorized before estimates adopted
- (2) Where in any year a levy is made under subsection 1, the amount required to be raised in that year by levy under section 294 with respect to real property shall be reduced by the amount to be raised by the levy under subsection 1. Levy under s. 294 to be reduced
- (3) The provisions of *The Assessment Act*, with respect to the levy of the yearly rates and the collection of taxes, apply *mutatis mutandis* to the levy of rates and collection of taxes under this section, provided that any percentage charge as a penalty imposed under subsection 3 of section 120 of *The Assessment Act* for non-payment of any taxes or an instalment thereof levied under this section shall not exceed one-half of 1 per cent. Application of R.S.O. 1960, c. 23

- 12.** Section 302 of *The Municipal Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 249, s. 302, re-enacted

302. Where a municipality has moneys not required immediately by the municipality, such moneys may Investment of moneys not immediately required

be invested in treasury bills or short-term bonds of the Government of Canada or Province of Ontario and in fixed-term deposits with any chartered bank, provided that the treasury bills, short-term bonds or deposit certificates become due and payable before the moneys invested therein are required by the municipality, and all interest thereon shall be credited to the fund from which the moneys were invested.

R.S.O. 1960, c. 249, ss. 317-319, repealed. **13.** Sections 317, 318 and 319 of *The Municipal Act* are repealed.

R.S.O. 1960, c. 249, s. 377, par. 35, amended. **14.**—(1) Paragraph 35 of section 377 of *The Municipal Act* is amended by adding thereto the following clause:

- (b) The council of a county may provide for the assumption in whole or in part of the outstanding debenture liability or other obligation of any local municipality within the county incurred by any such local municipality for any of the purposes mentioned in this paragraph, but no by-law passed under this clause shall be repealed or amended without the approval of the Department.

R.S.O. 1960, c. 249, s. 377, par. 60, amended. (2) Paragraph 60 of the said section 377 is amended by adding thereto the following clause:

- Application of cl. b. (c) Clause *b* applies only where the transfer of employment from one municipality or local board to another municipality or local board is made without intervening employment that interrupts the continuity of employment under which sick leave credits are accumulated.

R.S.O. 1960, c. 249, s. 379, subs. 1, par. 48, repealed. **15.**—(1) Paragraph 48 of subsection 1 of section 379 of *The Municipal Act* is repealed.

Application to by-laws. (2) Subsection 1 does not affect any by-law, heretofore lawfully passed, granting a fixed assessment until the term of the fixed assessment granted by the by-law has expired.

R.S.O. 1960, c. 249, s. 379, subs. 1, par. 79, amended. (3) Paragraph 79 of subsection 1 of the said section 379 is amended by striking out "hoists" in the second line, so that the paragraph shall read as follows:

- Construction of scaffolding, etc. 79. For regulating and inspecting the construction and erection of scaffolding and other apparatus and appliances used in erecting, repairing, altering or improving buildings, chimneys, or other structures, and for making regulations for the protection and

SECTION 13. The sections repealed provide for the administration and distribution of public school funds, such as the Ontario Municipalities Fund, held by municipalities. These provisions are being revised and transferred to *The Public Schools Act*.

SECTION 14—Subsection 1. The amendment authorizes a county to assume in whole or in part the outstanding obligations of any local municipality in the county incurred in granting aid to hospitals.

Subsection 2. The amendment provides that the transfer of sick leave credits from the plan of one municipality or local board to another only applies where there is no intervening employment to which the clause providing for the transfer does not apply.

SECTION 15—Subsection 1. The authority to grant fixed assessments is repealed.

Subsection 2. Subsection 2 provides that the repeal does not affect existing by-laws until the term of the fixed assessment granted by the by-law has expired.

Subsection 3. The amendment removes the authority of municipalities to pass by-laws respecting hoists as the matter is dealt with in Bill 25, *The Construction Hoists Act, 1960-61*.

Subsection 4. Paragraph 88a authorizes local municipalities to acquire, establish and operate a bus transportation system. A complementary amendment is proposed to *The Public Utilities Act* to provide for entrusting the operation of the system to a commission.

Paragraph 135 authorizes local municipalities to pass by-laws regulating and licensing self-service laundries, etc.

safety of workmen and others employed thereon;
and for appointing inspectors of scaffolding.

(4) Subsection 1 of the said section 379 is amended by adding thereto the following paragraphs:

R.S.O. 1960,
c. 249, s. 379,
subs. 1,
amended

88a. Subject to *The Public Vehicles Act* and *The Highway Traffic Act*, for acquiring, establishing, maintaining and operating a public bus transportation system within the municipality and, subject to the approval of the council of any adjoining municipality, within the limits of such adjoining municipality, which by-laws, without limiting the generality of the foregoing, may provide,

Public bus
transporta-
tion systems
R.S.O. 1960,
cc. 337, 172

- i. that the right to maintain and operate buses for the conveyance of passengers within the municipality is exclusive as against all other persons, but such right does not affect the right of any public, separate, continuation or high school board or board of education to provide transportation for pupils,
- ii. for the acquisition, by purchase or otherwise, of the bus transportation facilities and equipment of any person operating buses for the conveyance of passengers within the municipality,
- iii. for the acquisition, by purchase or otherwise, of any real or personal property required for the establishment, operation, maintenance or extension of the system,
- iv. for the transportation and conveyance of passengers throughout Ontario, whether by chartered trips or otherwise,
- v. for fixing transportation fares and tolls and making regulations with respect to the operation and control of the system, and
- vi. for entering into an agreement with any adjoining municipality with respect to the terms upon which public bus transportation shall be furnished by the municipality in such adjoining municipality.

.

135. For regulating and governing laundretérias and washing machines and dryers for use by the public, including coin-operated washing machines and dryers,

Licensing
and
regulating
self-service
laundries,
etc.

and for licensing, regulating and governing persons carrying on the business of making available to the public the use of any of such services or machines, and for revoking such licences.

R.S.O. 1960, c. 249, s. 381, par. 6, repealed. **16.** Paragraph 6 of section 381 of *The Municipal Act* is repealed.

R.S.O. 1960, c. 249, s. 384, amended. **17.** Section 384 of *The Municipal Act* is amended by striking out "and towns" in the second line and inserting in lieu thereof "towns and townships", so that the section, exclusive of the paragraphs, shall read as follows:

384. By-laws may be passed by the councils of counties, cities, towns and townships:

.

R.S.O. 1960, c. 249, s. 390, par. 1, repealed. **18.** Paragraph 1 of section 390 of *The Municipal Act* is repealed.

R.S.O. 1960, c. 249, s. 398, amended. **19.** Section 398 of *The Municipal Act* is amended by striking out "and towns in unorganized territory" in the second line and inserting in lieu thereof "towns in unorganized territory and townships having a population of not less than 100,000", so that the section, exclusive of the paragraph, shall read as follows:

398. By-laws may be passed by the councils of counties, cities, separated towns, towns in unorganized territory and townships having a population of not less than 100,000:

.

R.S.O. 1960, c. 249, s. 401, par. 15, cl. b, subcl. iii, amended. **20.** Subclause iii of clause b of paragraph 15 of section 401 of *The Municipal Act* is amended by striking out "\$10" in the first line and inserting in lieu thereof "\$20", so that the subclause shall read as follows:

(iii) require a licence fee of not more than \$20 per month payable by the owner of a trailer camp for each such lot and require fees to be paid in advance.

R.S.O. 1960, c. 249, s. 403, amended. **21.** Section 403 of *The Municipal Act* is amended by inserting after "cities" in the second line "and, in respect of paragraph 3, by the councils of towns, villages and townships", so that the section, exclusive of the paragraphs, shall read as follows:

403. By-laws may be passed by boards of commissioners of police of cities and, in respect of paragraph 3, by the councils of towns, villages and townships:

.

SECTION 16. The paragraph repealed authorizes urban municipalities to regulate and inspect hoists and elevators. These matters are now dealt with in Bill 25, *The Construction Hoists Act, 1960-61* and in *The Elevators and Lifts Act*.

SECTION 17. Section 384 at present authorizes cities and towns to make grants to universities, colleges, historical societies, etc., and to endow fellowships in them, to grant aid to art schools and private training schools and to support certain pupils at universities, colleges and high schools. This authority is extended to townships.

SECTION 18. The repeal of paragraph 1 is complementary to Bill 39, *The Bailiffs Act, 1960-61*. Paragraph 1 authorizes municipalities to license and regulate bailiffs. Hereafter, bailiffs will be licensed and regulated under *The Bailiffs Act, 1960-61*.

SECTION 19. This amendment extends to townships of 100,000 or more population the power to regulate, in defined areas of the municipality, the operation of certain businesses, such as tanneries, salvage yards and industries of a noxious or unhealthy character.

SECTION 20. The maximum fee for trailers in trailer camps is increased from \$10 to \$20.

SECTION 21. The authority given to cities to regulate processions and parades is extended to towns, villages and townships.

SECTION 22. The present section provides for a payment to members of local boards, except school and library boards, of such annual allowance as may be approved by the Department.

The amendment provides for the payment of such salary, expenses or allowances as may be approved by the council or, where more than one municipality is concerned, by the council designated by the Department.

SECTION 23. This paragraph permits the installation of meters for controlling parking of vehicles on highways and charging of fees for parking. The amendment is to make it clear that the penalty imposed by a by-law may be imposed on the owner of the vehicle as well as on the driver.

22. Section 407 of *The Municipal Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 249, s. 407,
re-enacted

407. A local board, as defined in *The Department of Municipal Affairs Act*, of a municipality, except school and library boards, may provide for the payment of such salary, expenses or allowances for the members thereof as may be approved by the council of the municipality or, where more than one municipality is concerned, by the council designated by the Department. Annual salary for members of local boards
R.S.O. 1960,
c. 98

23. Paragraph 7 of section 476 of *The Municipal Act* is amended by adding thereto the following clause: R.S.O. 1960,
c. 249, s. 476,
par. 7,
amended

(b) The driver of a vehicle, not being the owner, is liable to any penalty provided under a by-law passed under this paragraph and the owner of the vehicle is also liable to such a penalty unless at the time the offence was committed the vehicle was in the possession of a person other than the owner or his chauffeur without the owner's consent. Owner and driver liable for penalties

24.—(1) This Act, except section 7, subsection 1 of section 14 and section 18, comes into force on the day it receives Royal Assent. Commence-
ment

(2) Subsection 1 of section 14 shall be deemed to have come into force on the 1st day of January, 1958. Idem

(3) Section 7 shall be deemed to have come into force on the 1st day of January, 1961. Idem

(4) Section 18 comes into force on the 1st day of January, 1962. Idem

25. This Act may be cited as *The Municipal Amendment Act, 1960-61*. Short title
Act, 1960-61.

An Act to amend
The Municipal Act

1st Reading

February 27th, 1961

2nd Reading

March 9th, 1961

3rd Reading

MR. WARRENDER

(Reprinted as amended by the
Committee on Municipal Law)

BILL 88

2ND SESSION, 26TH LEGISLATURE, ONTARIO
9-10 ELIZABETH II, 1960-61

An Act to amend The Municipal Act

MR. WARRENDER

(Reprinted as amended by the Committee of the Whole House)

EXPLANATORY NOTES

SECTION 1. The amendment is to make it clear that a police village must have a population of not less than 500 in order to be incorporated as a village. This is in line with the population requirement where any locality is incorporated as a village.

SECTION 2. The new subsection 4a provides that, if an order granting annexation of part of a municipality would leave the remaining part of the municipality in such a position that it would be desirable to annex part or all of it to one or more contiguous municipalities, the Board may so order.

An Act to amend The Municipal Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 5 of section 10 of *The Municipal Act* is amended by inserting after "village" in the second line "having a population of not less than 500", so that the subsection shall read as follows: R.S.O. 1960,
c. 249, s. 10,
subs. 5,
amended

(5) The Municipal Board, upon the application of the trustees of a police village having a population of not less than 500, may incorporate the inhabitants of the locality comprising the police village as a village. Idem

2. Section 14 of *The Municipal Act* is amended by adding thereto the following subsection: R.S.O. 1960,
c. 249, s. 14,
amended

(4a) If it appears that by reason of an application made under subsection 2 a municipality would, if an order were made granting the application, be left, in regard to size, assets, location or otherwise, in such condition that it would be desirable to annex the whole or part or parts of the municipality remaining after such order to some other contiguous municipality or municipalities, the Municipal Board may, after notice to such contiguous municipality or municipalities and a public hearing, order, Annexation
of remaining
part of
municipality
following
order

(a) that the whole or part or parts of the municipality so remaining be annexed to such contiguous municipality or municipalities; and

(b) in the event that the whole of the municipality so remaining is annexed to some other municipality or municipalities, that the municipality is dissolved.

R.S.O. 1960,
c. 249, s. 35,
subs. 3,
amended

3. Subsection 3 of section 35 of *The Municipal Act* is amended by adding thereto the following clause:

- (k) of his being entitled to or receiving a pension, retirement allowance, sick leave credit gratuity or any payment in respect of his employment or service with a municipality or local board, as defined in *The Department of Municipal Affairs Act*, from or under a contract with a municipality or a local board on or after his retirement from employment or service with the municipality or local board.

R.S.O. 1960,
c. 98

R.S.O. 1960,
c. 249, s. 190,
subs. 1,
re-enacted

4. Subsection 1 of section 190 of *The Municipal Act* is repealed and the following substituted therefor:

Open
meetings

- (1) The meetings, except meetings of a committee including a committee of the whole, of every council and every local board, as defined by *The Department of Municipal Affairs Act*, except boards of commissioners of police and school boards, shall be open to the public, and no person shall be excluded therefrom except for improper conduct.

R.S.O. 1960,
c. 98

R.S.O. 1960,
c. 249, s. 197,
subs. 1,
amended

5. Subsection 1 of section 197 of *The Municipal Act* is amended by inserting at the commencement thereof "Except where he is disqualified to vote by reason of interest or otherwise", so that the subsection shall read as follows:

Voting to
be open
and to be
recorded

- (1) Except where he is disqualified to vote by reason of interest or otherwise, where a division is taken upon the election of a warden or other presiding officer, upon the appointment of an officer of the corporation or upon a by-law, resolution or for any other purpose, each member present shall announce his vote openly and individually, and the clerk shall record it.

R.S.O. 1960,
c. 249,
amended

6. *The Municipal Act* is amended by adding thereto the following section:

Disclosure
of interest
in contract
R.S.O. 1960,
c. 98

198a.—(1) If a member of a council or local board, as defined in *The Department of Municipal Affairs Act*, has any pecuniary interest, direct or indirect, in any contract or proposed contract with the council or local board, as the case may be, or in any other matter in which the council or local board, as the case may be, is concerned and is present at a meeting of the council or local board, as the case may be, at which the contract, proposed contract or other matter is the subject of consideration, he shall, as soon as practicable after the commencement of the

SECTION 3. In clauses *q* and *r* of subsection 1 of section 35 of *The Municipal Act*, a person who has an interest in a contract with or a claim against a municipal corporation is not eligible to be elected as a member of council. The new clause *k* provides that this disqualification does not apply to a person by reason only that he is entitled to receive or is receiving a pension, retirement allowance, severance pay or other such payment from a municipality.

SECTION 4. At present subsection 1 of section 190 provides that ordinary meetings of council shall be open. The subsection as re-enacted provides that all meetings, except committee meetings, shall be open. The amendment applies to councils and all local boards, except school boards to which similar provisions apply under *The Schools Administration Act*, and boards of commissioners of police.

SECTIONS 5 and 6. These amendments provide for the disclosure by a member of council or of a local board of any interest in any matter coming before the council or local board and prohibits him from taking any part in the consideration or discussion of or voting on any question in respect of such matter.

meeting, disclose his interest and shall not take part in the consideration or discussion of, or vote on any question with respect to, the contract, proposed contract or other matter.

- (2) If the interest of a member of a council or local board, ^{Idem} as defined in *The Department of Municipal Affairs Act*, ^{R.S.O. 1960, c. 98} has not been disclosed as required by subsection 1 by reason of his absence from the meeting referred to therein or by reason of such interest having been acquired subsequent to such meeting, he shall disclose such interest at the first meeting of such council or local board attended by him after the meeting referred to in subsection 1 or after acquiring such interest, and shall not take part in the consideration or discussion of or vote on any question with respect to the contract, proposed contract or other matter.
- (3) Subsection 1 does not apply to an interest in a contract, proposed contract or other matter that a member may have as a ratepayer or elector or as a user of any public utility service supplied to him by the council or local board in like manner and subject to the like conditions as are applicable in the case of persons who are not members of the council or local board, or to an interest in any matter relating to the terms on which the right to participate in any service, including the supply of goods, is offered to the public. ^{Not applicable to interest in certain matters}
- (4) The failure of one or more members of a council or local board to comply with subsection 1 does not invalidate the proceedings of such council or local board in respect of the contract, proposed contract or other matter mentioned in subsection 1. ^{Effect of failure to disclose on proceedings of council}
- (5) Every disclosure of interest at a meeting shall be recorded in the minutes of the meeting by the clerk of the municipality or secretary of the local board, as the case may be. ^{Recording of disclosure}
- (6) Where it appears at any meeting that a disclosure of interest that should have been made at the meeting or at any previous meeting was not made, the fact that the disclosure of interest was not made shall be recorded in the minutes of the meeting by the clerk of the municipality or local board, as the case may be. ^{Recording of non-disclosure}

R.S.O. 1960,
c. 249, s. 216,
subs. 2,
amended

7. Subsection 2 of section 216 of *The Municipal Act* is amended by striking out "box" in the first line and inserting in lieu thereof "book", so that the subsection, exclusive of the clauses, shall read as follows:

Index of
restricted
area by-
laws, etc.

- (2) The clerk shall keep an index book in which he shall enter the number and date of,

.

R.S.O. 1960,
c. 249, s. 228,
subs. 6,
amended

8. Subsection 6 of section 228 of *The Municipal Act* is amended by striking out "with the municipality or any of the aforementioned local boards or any employment with any of them other than as an auditor" in the seventh, eighth and ninth lines and inserting in lieu thereof "or any employment with the municipality or any of such local boards other than for services within his professional capacity", so that the subsection shall read as follows:

Disqualifi-
cation of
persons as
auditors

- (6) No person shall be appointed as an auditor of a municipality who is or during the preceding year was a member of the council or any local board of the municipality or of any other local board the accounts and transactions of which it would as auditor be his duty to audit or who has or during the preceding year had any direct or indirect interest in any contract or any employment with the municipality or any of such local boards other than for services within his professional capacity.

R.S.O. 1960,
c. 249, s. 282,
subs. 1, cl. a,
amended

9. Clause *a* of subsection 1 of section 282 of *The Municipal Act* is amended by striking out "sewers" in the second line, so that the clause shall read as follows:

- (a) if the debt is for railways, harbour works or improvements, gas or waterworks, the purchase or improvement of parks or the erection of high, continuation or public school houses, public hospitals and the acquiring of land therefor, or for electric light, heat or power works or water privileges or land used in connection therewith, or for acquiring land for a drillshed or armoury, in thirty years.

R.S.O. 1960,
c. 249, s. 286,
subs. 2,
amended

10.—(1) Subsection 2 of section 286 of *The Municipal Act* is amended by inserting after "year" in the third line "when it is a debt payable within the two-year term for which the council was elected at a biennial election or", so that the subsection, exclusive of the clauses, shall read as follows:

Projects
for which
corporation
not deemed
to incur
debt, pay-
ment of
which is not
provided
for in
estimates

- (2) A corporation shall not be deemed to be incurring a debt, the payment of which is not provided for in the estimates of the current year, when it is a debt payable within the two-year term for which the

SECTION 7. The amendment is to correct a typographical error in the 1960 revision of the statutes.

SECTION 8. Subsection 6 at present prohibits the appointment of a person as an auditor who during the preceding year may have been employed to perform some services for a municipality which were of an accounting nature but were not performed as an auditor. The amendment provides that such a person is not disqualified under such circumstances.

SECTION 9. The amendment is to permit municipalities to take advantage of special federal loans for sewers. The term of the federal loans is up to 50 years instead of 30 years as limited by clause *a*.

SECTION 10—Subsection 1. The amendment gives councils elected for a two-year term at biennial elections the power to incur a debt payable within their term of office without the approval of the Ontario Municipal Board.

Subsections 2 and 3. These amendments provide that subsection 1 of section 286, which provides that a municipality shall not incur a debt the payment of which is not provided for in the estimates for the current year unless a by-law authorizing it is passed with the assent of the electors, does not apply to a county council.

SECTION 11. This amendment permits a levy to be made on real property at any time in the year prior to the adoption of the estimates to produce a sum not exceeding 50 per cent of that produced by applying the previous year's public school supporter's residential rate to all real property assessment. It also provides that the provisions of *The Assessment Act* with respect to the levy of yearly rates and the collection of taxes shall apply.

council was elected at a biennial election or with respect to any of the following undertakings, works, projects, schemes, acts, matters or things, except where the whole or any part of the cost thereof is to be provided for by the issue of debentures by any municipality,

.

(2) Clause *d* of subsection 3 of the said section 286 is amended by striking out "of a county, or" in the first line, so that the clause shall read as follows: R.S.O. 1960, c. 249, s. 286, subs. 3, cl. *d*, amended

(*d*) by the council of a city that forms part of a county for judicial purposes, for providing money for erecting, rebuilding, enlarging, furnishing and equipping the court house and offices to be used in connection therewith, a jail, a jailer's residence and a registry office, and for acquiring such land and buildings as may be necessary or convenient for such purposes; or

.

(3) Subsection 3 of the said section 286 is amended by adding "or" at the end of clause *m* and by adding thereto the following clause: R.S.O. 1960, c. 249, s. 286, subs. 3, amended

(*n*) by the council of a county.

11. *The Municipal Act* is amended by adding thereto the following section: R.S.O. 1960, c. 249, amended

294a.—(1) Notwithstanding section 294, the council of every local municipality may, in any year, before the adoption of the estimates for that year, levy on the whole of the assessment for real property according to the last revised assessment roll a sum not exceeding 50 per cent of that which would be produced by applying to such assessment the total rate for all purposes levied in the preceding year on residential real property of public school supporters. Levy authorized before estimates adopted

(2) Where in any year a levy is made under subsection 1, the amount required to be raised in that year by levy under section 294 with respect to real property shall be reduced by the amount to be raised by the levy under subsection 1. Levy under s. 294 to be reduced

(3) The provisions of *The Assessment Act*, with respect to the levy of the yearly rates and the collection of taxes, apply *mutatis mutandis* to the levy of rates and Application of R.S.O. 1960, c. 23

collection of taxes under this section, provided that any percentage charge as a penalty imposed under subsection 3 of section 120 of *The Assessment Act* for non-payment of any taxes or an instalment thereof levied under this section shall not exceed one-half of 1 per cent.

R.S.O. 1960,
c. 249, s. 302,
re-enacted

12. Section 302 of *The Municipal Act* is repealed and the following substituted therefor:

Investment
of moneys
not
immediately
required

302. Where a municipality has moneys not required immediately by the municipality, such moneys may be invested in treasury bills or short-term bonds of the Government of Canada or Province of Ontario and in fixed-term deposits with any chartered bank, provided that the treasury bills, short-term bonds or deposit certificates become due and payable before the moneys invested therein are required by the municipality, and all interest thereon shall be credited to the fund from which the moneys were invested.

R.S.O. 1960,
c. 249,
ss. 317-319,
repealed

13. Sections 317, 318 and 319 of *The Municipal Act* are repealed.

R.S.O. 1960,
c. 249, s. 377,
par. 35,
amended

14.—(1) Paragraph 35 of section 377 of *The Municipal Act* is amended by adding thereto the following clause:

(b) The council of a county may provide for the assumption in whole or in part of the outstanding debenture liability or other obligation of any local municipality within the county incurred by any such local municipality for any of the purposes mentioned in this paragraph, but no by-law passed under this clause shall be repealed or amended without the approval of the Department.

R.S.O. 1960,
c. 249, s. 377,
par. 60,
amended

(2) Paragraph 60 of the said section 377 is amended by adding thereto the following clause:

Application
of cl. b

(c) Clause *b* applies only where the transfer of employment from one municipality or local board to another municipality or local board is made without intervening employment that interrupts the continuity of employment under which sick leave credits are accumulated.

R.S.O. 1960,
c. 249, s. 379,
subs. 1,
par. 48,
repealed

15.—(1) Paragraph 48 of subsection 1 of section 379 of *The Municipal Act* is repealed.

Application
to by-laws

(2) Subsection 1 does not affect any by-law, heretofore lawfully passed, granting a fixed assessment until the term of the fixed assessment granted by the by-law has expired.

SECTION 12. At present, under section 302, municipalities are restricted to investing moneys not immediately required in treasury bills or short-term bonds of the Federal or Provincial Government. The section as re-enacted also permits the investment of such moneys in fixed-term deposits with chartered banks.

SECTION 13. The sections repealed provide for the administration and distribution of public school funds, such as the Ontario Municipalities Fund, held by municipalities. These provisions are being revised and transferred to *The Public Schools Act*.

SECTION 14—Subsection 1. The amendment authorizes a county to assume in whole or in part the outstanding obligations of any local municipality in the county incurred in granting aid to hospitals.

Subsection 2. The amendment provides that the transfer of sick leave credits from the plan of one municipality or local board to another only applies where there is no intervening employment to which the clause providing for the transfer does not apply.

SECTION 15—Subsection 1. The authority to grant fixed assessments is repealed.

Subsection 2. Subsection 2 provides that the repeal does not affect existing by-laws until the term of the fixed assessment granted by the by-law has expired.

Subsection 3. The amendment removes the authority of municipalities to pass by-laws respecting hoists as the matter is dealt with in Bill 25, *The Construction Hoists Act, 1960-61*.

Subsection 4. Paragraph 88a authorizes local municipalities to acquire, establish and operate a bus transportation system. A complementary amendment is proposed to *The Public Utilities Act* to provide for entrusting the operation of the system to a commission.

(3) Paragraph 79 of subsection 1 of the said section 379 is amended by striking out "hoists" in the second line, so that the paragraph shall read as follows: R.S.O. 1960,
c. 249, s. 379,
subs. 1,
par. 79,
amended

79. For regulating and inspecting the construction and erection of scaffolding and other apparatus and appliances used in erecting, repairing, altering or improving buildings, chimneys, or other structures, and for making regulations for the protection and safety of workmen and others employed thereon; and for appointing inspectors of scaffolding. Construc-
tion of
scaffolding,
etc.

(4) Subsection 1 of the said section 379 is amended by adding thereto the following paragraphs: R.S.O. 1960,
c. 249, s. 379,
subs. 1,
amended

88a. Subject to *The Public Vehicles Act* and *The Highway Traffic Act*, for acquiring, establishing, maintaining and operating a public bus transportation system within the municipality and, subject to the approval of the council of any adjoining municipality, within the limits of such adjoining municipality, which by-laws, without limiting the generality of the foregoing, may provide, Public bus
transporta-
tion systems
R.S.O. 1960,
cc. 337, 172

- i. that the right to maintain and operate buses for the conveyance of passengers within the municipality is exclusive as against all other persons, but such right does not affect the right of any public, separate, continuation or high school board or board of education to provide transportation for pupils,
- ii. for the acquisition, by purchase or otherwise, of the bus transportation facilities and equipment of any person operating buses for the conveyance of passengers within the municipality,
- iii. for the acquisition, by purchase or otherwise, of any real or personal property required for the establishment, operation, maintenance or extension of the system,
- iv. for the transportation and conveyance of passengers throughout Ontario, whether by chartered trips or otherwise,
- v. for fixing transportation fares and tolls and making regulations with respect to the operation and control of the system, and
- vi. for entering into an agreement with any adjoining municipality with respect to the terms

upon which public bus transportation shall be furnished by the municipality in such adjoining municipality.

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Licensing
and
regulating
self-service
laundries,
etc.

135. For regulating and governing laundretorias and washing machines and dryers for use by the public, including coin-operated washing machines and dryers, and for licensing, regulating and governing persons carrying on the business of making available to the public the use of any of such services or machines, and for revoking such licences.

R.S.O. 1960,
c. 249, s. 381,
par. 6,
repealed

16. Paragraph 6 of section 381 of *The Municipal Act* is repealed.

R.S.O. 1960,
c. 249, s. 384,
amended

17. Section 384 of *The Municipal Act* is amended by striking out "and towns" in the second line and inserting in lieu thereof "towns and townships", so that the section, exclusive of the paragraphs, shall read as follows:

384. By-laws may be passed by the councils of counties, cities, towns and townships:

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R.S.O. 1960,
c. 249, s. 390,
par. 1,
repealed

18. Paragraph 1 of section 390 of *The Municipal Act* is repealed.

R.S.O. 1960,
c. 249, s. 398,
amended

19. Section 398 of *The Municipal Act* is amended by striking out "and towns in unorganized territory" in the second line and inserting in lieu thereof "towns in unorganized territory and townships having a population of not less than 100,000", so that the section, exclusive of the paragraph, shall read as follows:

398. By-laws may be passed by the councils of counties, cities, separated towns, towns in unorganized territory and townships having a population of not less than 100,000:

.

R.S.O. 1960,
c. 249, s. 401,
par. 15, cl. b,
subcl. iii,
amended

20. Subclause iii of clause b of paragraph 15 of section 401 of *The Municipal Act* is amended by striking out "\$10" in the first line and inserting in lieu thereof "\$20", so that the subclause shall read as follows:

(iii) require a licence fee of not more than \$20 per month payable by the owner of a trailer camp for each such lot and require fees to be paid in advance.

Paragraph 135 authorizes local municipalities to pass by-laws regulating and licensing self-service laundries, etc.

SECTION 16. The paragraph repealed authorizes urban municipalities to regulate and inspect hoists and elevators. These matters are now dealt with in Bill 25, *The Construction Hoists Act, 1960-61* and in *The Elevators and Lifts Act*.

SECTION 17. Section 384 at present authorizes cities and towns to make grants to universities, colleges, historical societies, etc., and to endow fellowships in them, to grant aid to art schools and private training schools and to support certain pupils at universities, colleges and high schools. This authority is extended to townships.

SECTION 18. The repeal of paragraph 1 is complementary to Bill 39, *The Bailiffs Act, 1960-61*. Paragraph 1 authorizes municipalities to license and regulate bailiffs. Hereafter, bailiffs will be licensed and regulated under *The Bailiffs Act, 1960-61*.

SECTION 19. This amendment extends to townships of 100,000 or more population the power to regulate, in defined areas of the municipality, the operation of certain businesses, such as tanneries, salvage yards and industries of a noxious or unhealthy character.

SECTION 20. The maximum fee for trailers in trailer camps is increased from \$10 to \$20.

SECTION 21. The authority given to cities to regulate processions and parades is extended to towns, villages and townships.

SECTION 22. The present section provides for a payment to members of local boards, except school and library boards, of such annual allowance as may be approved by the Department.

The amendment provides for the payment of such salary, expenses or allowances as may be approved by the council or, where more than one municipality is concerned, by the council designated by the Department.

SECTION 23. This paragraph permits the installation of meters for controlling parking of vehicles on highways and charging of fees for parking. The amendment is to make it clear that the penalty imposed by a by-law may be imposed on the owner of the vehicle as well as on the driver.

21. Section 403 of *The Municipal Act* is amended by R.S.O. 1960, c. 249, s. 403, inserting after "cities" in the second line "and, in respect of amended paragraph 3, by the councils of towns, villages and townships", so that the section, exclusive of the paragraphs, shall read as follows:

403. By-laws may be passed by boards of commissioners of police of cities and, in respect of paragraph 3, by the councils of towns, villages and townships:

.

22. Section 407 of *The Municipal Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 249, s. 407, re-enacted

407. A local board, as defined in *The Department of Municipal Affairs Act*, of a municipality, except Annual salary for members of school and library boards, may provide for the pay- R.S.O. 1960, c. 98 ment of such salary, expenses or allowances for the members thereof as may be approved by the council of the municipality or, where more than one municipality is concerned, by the council designated by the Department.

23. Paragraph 7 of section 476 of *The Municipal Act* is amended by adding thereto the following clause: R.S.O. 1960, c. 249, s. 476, par. 7, amended

(b) The driver of a vehicle, not being the owner, is liable Owner and driver to any penalty provided under a by-law passed liable for penalties under this paragraph and the owner of the vehicle is also liable to such a penalty unless at the time the offence was committed the vehicle was in the possession of a person other than the owner or his chauffeur without the owner's consent.

24.—(1) This Act, except section 7, subsection 1 of section 14 and section 18, comes into force on the day it receives Commencement Royal Assent.

(2) Subsection 1 of section 14 shall be deemed to have come Idem into force on the 1st day of January, 1958.

(3) Section 7 shall be deemed to have come into force on Idem the 1st day of January, 1961.

(4) Section 18 comes into force on the 1st day of January, Idem 1962.

25. This Act may be cited as *The Municipal Amendment Short title Act, 1960-61.*

An Act to amend
The Municipal Act

1st Reading

February 27th, 1961

2nd Reading

March 9th, 1961

3rd Reading

MR. WARRENDER

(Reprinted as amended by the
Committee of the Whole House)

BILL 88

2ND SESSION, 26TH LEGISLATURE, ONTARIO
9-10 ELIZABETH II, 1960-61

An Act to amend The Municipal Act

MR. WARRENDER

BILL 88

1960-61

An Act to amend The Municipal Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 5 of section 10 of *The Municipal Act* is amended by inserting after "village" in the second line "having a population of not less than 500", so that the subsection shall read as follows: R.S.O. 1960,
c. 249, s. 10,
subs. 5,
amended

- (5) The Municipal Board, upon the application of the trustees of a police village having a population of not less than 500, may incorporate the inhabitants of the locality comprising the police village as a village. Idem

2. Section 14 of *The Municipal Act* is amended by adding thereto the following subsection: R.S.O. 1960,
c. 249, s. 14,
amended

- (4a) If it appears that by reason of an application made under subsection 2 a municipality would, if an order were made granting the application, be left, in regard to size, assets, location or otherwise, in such condition that it would be desirable to annex the whole or part or parts of the municipality remaining after such order to some other contiguous municipality or municipalities, the Municipal Board may, after notice to such contiguous municipality or municipalities and a public hearing, order, Annexation
of remaining
part of
municipality
following
order

- (a) that the whole or part or parts of the municipality so remaining be annexed to such contiguous municipality or municipalities; and
- (b) in the event that the whole of the municipality so remaining is annexed to some other municipality or municipalities, that the municipality is dissolved.

R.S.O. 1960,
c. 249, s. 35,
subs. 3,
amended

3. Subsection 3 of section 35 of *The Municipal Act* is amended by adding thereto the following clause:

- (k) of his being entitled to or receiving a pension, retirement allowance, sick leave credit gratuity or any payment in respect of his employment or service with a municipality or local board, as defined in *The Department of Municipal Affairs Act*, from or under a contract with a municipality or a local board on or after his retirement from employment or service with the municipality or local board.

R.S.O. 1960,
c. 98

R.S.O. 1960,
c. 249, s. 190,
subs. 1,
re-enacted

4. Subsection 1 of section 190 of *The Municipal Act* is repealed and the following substituted therefor:

Open
meetings

- (1) The meetings, except meetings of a committee including a committee of the whole, of every council and every local board, as defined by *The Department of Municipal Affairs Act*, except boards of commissioners of police and school boards, shall be open to the public, and no person shall be excluded therefrom except for improper conduct.

R.S.O. 1960,
c. 98

R.S.O. 1960,
c. 249, s. 197,
subs. 1,
amended

5. Subsection 1 of section 197 of *The Municipal Act* is amended by inserting at the commencement thereof "Except where he is disqualified to vote by reason of interest or otherwise", so that the subsection shall read as follows:

Voting to
be open
and to be
recorded

- (1) Except where he is disqualified to vote by reason of interest or otherwise, where a division is taken upon the election of a warden or other presiding officer, upon the appointment of an officer of the corporation or upon a by-law, resolution or for any other purpose, each member present shall announce his vote openly and individually, and the clerk shall record it.

R.S.O. 1960,
c. 249,
amended

6. *The Municipal Act* is amended by adding thereto the following section:

Disclosure
of interest
in contract
R.S.O. 1960,
c. 98

- 198a.—(1) If a member of a council or local board, as defined in *The Department of Municipal Affairs Act*, has any pecuniary interest, direct or indirect, in any contract or proposed contract with the council or local board, as the case may be, or in any other matter in which the council or local board, as the case may be, is concerned and is present at a meeting of the council or local board, as the case may be, at which the contract, proposed contract or other matter is the subject of consideration, he shall, as soon as practicable after the commencement of the

meeting, disclose his interest and shall not take part in the consideration or discussion of, or vote on any question with respect to, the contract, proposed contract or other matter.

- (2) If the interest of a member of a council or local board, ^{Idem} as defined in *The Department of Municipal Affairs Act*, ^{R.S.O. 1960, c. 98} has not been disclosed as required by subsection 1 by reason of his absence from the meeting referred to therein or by reason of such interest having been acquired subsequent to such meeting, he shall disclose such interest at the first meeting of such council or local board attended by him after the meeting referred to in subsection 1 or after acquiring such interest, and shall not take part in the consideration or discussion of or vote on any question with respect to the contract, proposed contract or other matter.
- (3) Subsection 1 does not apply to an interest in a ^{Not applicable to interest in certain matters} contract, proposed contract or other matter that a member may have as a ratepayer or elector or as a user of any public utility service supplied to him by the council or local board in like manner and subject to the like conditions as are applicable in the case of persons who are not members of the council or local board, or to an interest in any matter relating to the terms on which the right to participate in any service, including the supply of goods, is offered to the public.
- (4) The failure of one or more members of a council or local board to comply with subsection 1 does not ^{Effect of failure to disclose on proceedings of council} invalidate the proceedings of such council or local board in respect of the contract, proposed contract or other matter mentioned in subsection 1.
- (5) Every disclosure of interest at a meeting shall be ^{Recording of disclosure} recorded in the minutes of the meeting by the clerk of the municipality or secretary of the local board, as the case may be.
- (6) Where it appears at any meeting that a disclosure ^{Recording of non-disclosure} of interest that should have been made at the meeting or at any previous meeting was not made, the fact that the disclosure of interest was not made shall be recorded in the minutes of the meeting by the clerk of the municipality or local board, as the case may be.

R.S.O. 1960,
c. 249, s. 216,
subs. 2,
amended

7. Subsection 2 of section 216 of *The Municipal Act* is amended by striking out "box" in the first line and inserting in lieu thereof "book", so that the subsection, exclusive of the clauses, shall read as follows:

Index of
restricted
area by-
laws, etc.

- (2) The clerk shall keep an index book in which he shall enter the number and date of,

.

R.S.O. 1960,
c. 249, s. 228,
subs. 6,
amended

8. Subsection 6 of section 228 of *The Municipal Act* is amended by striking out "with the municipality or any of the aforementioned local boards or any employment with any of them other than as an auditor" in the seventh, eighth and ninth lines and inserting in lieu thereof "or any employment with the municipality or any of such local boards other than for services within his professional capacity", so that the subsection shall read as follows:

Disqualifi-
cation of
persons as
auditors

- (6) No person shall be appointed as an auditor of a municipality who is or during the preceding year was a member of the council or any local board of the municipality or of any other local board the accounts and transactions of which it would as auditor be his duty to audit or who has or during the preceding year had any direct or indirect interest in any contract or any employment with the municipality or any of such local boards other than for services within his professional capacity.

R.S.O. 1960,
c. 249, s. 282,
subs. 1, cl. a,
amended

9. Clause *a* of subsection 1 of section 282 of *The Municipal Act* is amended by striking out "sewers" in the second line, so that the clause shall read as follows:

- (a) if the debt is for railways, harbour works or improvements, gas or waterworks, the purchase or improvement of parks or the erection of high, continuation or public school houses, public hospitals and the acquiring of land therefor, or for electric light, heat or power works or water privileges or land used in connection therewith, or for acquiring land for a drill-shed or armoury, in thirty years.

R.S.O. 1960,
c. 249, s. 286,
subs. 2,
amended

10.—(1) Subsection 2 of section 286 of *The Municipal Act* is amended by inserting after "year" in the third line "when it is a debt payable within the two-year term for which the council was elected at a biennial election or", so that the subsection, exclusive of the clauses, shall read as follows:

Projects
for which
corporation
not deemed
to incur
debt, pay-
ment of
which is not
provided
for in
estimates

- (2) A corporation shall not be deemed to be incurring a debt, the payment of which is not provided for in the estimates of the current year, when it is a debt payable within the two-year term for which the

council was elected at a biennial election or with respect to any of the following undertakings, works, projects, schemes, acts, matters or things, except where the whole or any part of the cost thereof is to be provided for by the issue of debentures by any municipality,

(2) Clause *d* of subsection 3 of the said section 286 is amended by striking out "of a county, or" in the first line, so that the clause shall read as follows: R.S.O. 1960,
c. 249, s. 286,
subs. 3, cl. *d*,
amended

(*d*) by the council of a city that forms part of a county for judicial purposes, for providing money for erecting, rebuilding, enlarging, furnishing and equipping the court house and offices to be used in connection therewith, a jail, a jailer's residence and a registry office, and for acquiring such land and buildings as may be necessary or convenient for such purposes; or

(3) Subsection 3 of the said section 286 is amended by adding "or" at the end of clause *m* and by adding thereto the following clause: R.S.O. 1960,
c. 249, s. 286,
subs. 3,
amended

(*n*) by the council of a county.

11. *The Municipal Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 249,
amended

294a.—(1) Notwithstanding section 294, the council of every local municipality may, in any year, before the adoption of the estimates for that year, levy on the whole of the assessment for real property according to the last revised assessment roll a sum not exceeding 50 per cent of that which would be produced by applying to such assessment the total rate for all purposes levied in the preceding year on residential real property of public school supporters. Levy
authorized
before
estimates
adopted

(2) Where in any year a levy is made under subsection 1, the amount required to be raised in that year by levy under section 294 with respect to real property shall be reduced by the amount to be raised by the levy under subsection 1. Levy under
s. 294 to
be reduced

(3) The provisions of *The Assessment Act*, with respect to the levy of the yearly rates and the collection of taxes, apply *mutatis mutandis* to the levy of rates and Application
of R.S.O.
1960, c. 23

collection of taxes under this section, provided that any percentage charge as a penalty imposed under subsection 3 of section 120 of *The Assessment Act* for non-payment of any taxes or an instalment thereof levied under this section shall not exceed one-half of 1 per cent.

R.S.O. 1960,
c. 249, s. 302,
re-enacted

12. Section 302 of *The Municipal Act* is repealed and the following substituted therefor:

Investment
of moneys
not
immediately
required

302. Where a municipality has moneys not required immediately by the municipality, such moneys may be invested in treasury bills or short-term bonds of the Government of Canada or Province of Ontario and in fixed-term deposits with any chartered bank, provided that the treasury bills, short-term bonds or deposit certificates become due and payable before the moneys invested therein are required by the municipality, and all interest thereon shall be credited to the fund from which the moneys were invested.

R.S.O. 1960,
c. 249,
ss. 317-319,
repealed

13. Sections 317, 318 and 319 of *The Municipal Act* are repealed.

R.S.O. 1960,
c. 249, s. 377,
par. 35,
amended

14.—(1) Paragraph 35 of section 377 of *The Municipal Act* is amended by adding thereto the following clause:

(b) The council of a county may provide for the assumption in whole or in part of the outstanding debenture liability or other obligation of any local municipality within the county incurred by any such local municipality for any of the purposes mentioned in this paragraph, but no by-law passed under this clause shall be repealed or amended without the approval of the Department.

R.S.O. 1960,
c. 249, s. 377,
par. 60,
amended

(2) Paragraph 60 of the said section 377 is amended by adding thereto the following clause:

Application
of cl. b

(c) Clause *b* applies only where the transfer of employment from one municipality or local board to another municipality or local board is made without intervening employment that interrupts the continuity of employment under which sick leave credits are accumulated.

R.S.O. 1960,
c. 249, s. 379,
subs. 1,
par. 48,
repealed

15.—(1) Paragraph 48 of subsection 1 of section 379 of *The Municipal Act* is repealed.

Application
to by-laws

(2) Subsection 1 does not affect any by-law, heretofore lawfully passed, granting a fixed assessment until the term of the fixed assessment granted by the by-law has expired.

(3) Paragraph 79 of subsection 1 of the said section 379 is amended by striking out "hoists" in the second line, so that the paragraph shall read as follows:

R.S.O. 1960,
c. 249, s. 379,
subs. 1,
par. 79,
amended

79. For regulating and inspecting the construction and erection of scaffolding and other apparatus and appliances used in erecting, repairing, altering or improving buildings, chimneys, or other structures, and for making regulations for the protection and safety of workmen and others employed thereon; and for appointing inspectors of scaffolding.

Construction of scaffolding, etc.

(4) Subsection 1 of the said section 379 is amended by adding thereto the following paragraphs:

R.S.O. 1960,
c. 249, s. 379,
subs. 1,
amended

88a. Subject to *The Public Vehicles Act* and *The Highway Traffic Act*, for acquiring, establishing, maintaining and operating a public bus transportation system within the municipality and, subject to the approval of the council of any adjoining municipality, within the limits of such adjoining municipality, which by-laws, without limiting the generality of the foregoing, may provide,

Public bus transportation systems
R.S.O. 1960,
cc. 337, 172

- i. that the right to maintain and operate buses for the conveyance of passengers within the municipality is exclusive as against all other persons, but such right does not affect the right of any public, separate, continuation or high school board or board of education to provide transportation for pupils,
- ii. for the acquisition, by purchase or otherwise, of the bus transportation facilities and equipment of any person operating buses for the conveyance of passengers within the municipality,
- iii. for the acquisition, by purchase or otherwise, of any real or personal property required for the establishment, operation, maintenance or extension of the system,
- iv. for the transportation and conveyance of passengers throughout Ontario, whether by chartered trips or otherwise,
- v. for fixing transportation fares and tolls and making regulations with respect to the operation and control of the system, and
- vi. for entering into an agreement with any adjoining municipality with respect to the terms

upon which public bus transportation shall be furnished by the municipality in such adjoining municipality.

Licensing
and
regulating
self-service
laundries,
etc.

135. For regulating and governing laundretorias and washing machines and dryers for use by the public, including coin-operated washing machines and dryers, and for licensing, regulating and governing persons carrying on the business of making available to the public the use of any of such services or machines, and for revoking such licences.

R.S.O. 1960,
c. 249, s. 381,
par. 6,
repealed

16. Paragraph 6 of section 381 of *The Municipal Act* is repealed.

R.S.O. 1960,
c. 249, s. 384,
amended

17. Section 384 of *The Municipal Act* is amended by striking out "and towns" in the second line and inserting in lieu thereof "towns and townships", so that the section, exclusive of the paragraphs, shall read as follows:

384. By-laws may be passed by the councils of counties, cities, towns and townships:

R.S.O. 1960,
c. 249, s. 390,
par. 1,
repealed

18. Paragraph 1 of section 390 of *The Municipal Act* is repealed.

R.S.O. 1960,
c. 249, s. 398,
amended

19. Section 398 of *The Municipal Act* is amended by striking out "and towns in unorganized territory" in the second line and inserting in lieu thereof "towns in unorganized territory and townships having a population of not less than 100,000", so that the section, exclusive of the paragraph, shall read as follows:

398. By-laws may be passed by the councils of counties, cities, separated towns, towns in unorganized territory and townships having a population of not less than 100,000:

R.S.O. 1960,
c. 249, s. 401,
par. 15, cl. b,
subcl. iii,
amended

20. Subclause iii of clause b of paragraph 15 of section 401 of *The Municipal Act* is amended by striking out "\$10" in the first line and inserting in lieu thereof "\$20", so that the subclause shall read as follows:

(iii) require a licence fee of not more than \$20 per month payable by the owner of a trailer camp for each such lot and require fees to be paid in advance.

21. Section 403 of *The Municipal Act* is amended by R.S.O. 1960,
inserting after "cities" in the second line "and, in respect of amended c. 249, s. 403,
paragraph 3, by the councils of towns, villages and townships",
so that the section, exclusive of the paragraphs, shall read as
follows:

403. By-laws may be passed by boards of commissioners of
police of cities and, in respect of paragraph 3, by the
councils of towns, villages and townships:

.

22. Section 407 of *The Municipal Act* is repealed and the R.S.O. 1960,
following substituted therefor: c. 249, s. 407,
re-enacted

407. A local board, as defined in *The Department of Annual
Municipal Affairs Act*, of a municipality, except salary for
school and library boards, may provide for the pay- members of
ment of such salary, expenses or allowances for the local boards
members thereof as may be approved by the council R.S.O. 1960,
of the municipality or, where more than one muni- c. 98
cipality is concerned, by the council designated by
the Department.

23. Paragraph 7 of section 476 of *The Municipal Act* is R.S.O. 1960,
amended by adding thereto the following clause: c. 249, s. 476,
par. 7,
amended

(b) The driver of a vehicle, not being the owner, is liable Owner and
to any penalty provided under a by-law passed driver
under this paragraph and the owner of the vehicle liable for
is also liable to such a penalty unless at the time the penalties
offence was committed the vehicle was in the posses-
sion of a person other than the owner or his chauffeur
without the owner's consent.

24.—(1) This Act, except section 7, subsection 1 of sec- Commence-
tion 14 and section 18, comes into force on the day it receives ment
Royal Assent.

(2) Subsection 1 of section 14 shall be deemed to have come Idem
into force on the 1st day of January, 1958.

(3) Section 7 shall be deemed to have come into force on Idem
the 1st day of January, 1961.

(4) Section 18 comes into force on the 1st day of January, Idem
1962.

25. This Act may be cited as *The Municipal Amendment* Short title
Act, 1960-61.

An Act to amend
The Municipal Act

1st Reading

February 27th, 1961

2nd Reading

March 9th, 1961

3rd Reading

March 29th, 1961

MR. WARRENDER

BILL 89

2ND SESSION, 26TH LEGISLATURE, ONTARIO
9-10 ELIZABETH II, 1960-61

An Act to amend The Corporations Act

MR. YAREMKO

EXPLANATORY NOTE

The purpose of this Bill is to increase the limit on mortgage investments that may be made by insurance companies operating under the law of Ontario.

BILL 89

1960-61

An Act to amend The Corporations Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *m* of subsection 2 of section 208 of *The Corporations Act* is amended by striking out “60 per cent” in the eighth line and inserting in lieu thereof “66 $\frac{2}{3}$ per cent”, so that the clause shall read as follows:

- (*m*) ground rents, mortgages or hypothecs on real estate in Canada or elsewhere where the insurer is carrying on business, but the amount paid for the mortgage or hypothec together with the amount of indebtedness under any mortgage or hypothec on the real estate ranking superior to the mortgage or hypothec in which the investment is made shall not exceed 66 $\frac{2}{3}$ per cent of the value of the real estate covered thereby.

(2) Clause *q* of subsection 2 of the said section 208 is amended by striking out “60 per cent” in the seventh and eleventh lines respectively and inserting in lieu thereof “66 $\frac{2}{3}$ per cent”, so that the clause shall read as follows:

- (*q*) real estate or leaseholds for a term of years or other estate or interest in real estate in Canada or elsewhere where the insurer is carrying on business, but the amount of the loan together with the amount of indebtedness under any mortgage or hypothec on the real estate or interest therein ranking superior to the loan shall not exceed 66 $\frac{2}{3}$ per cent of the value of the real estate or interest therein, subject to the exception that an insurer may accept as part payment for real estate sold by it a mortgage or hypothec for more than 66 $\frac{2}{3}$ per cent of the sale price of the real estate; or

Commence-
ment

2. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

3. This Act may be cited as *The Corporations Amendment Act, 1960-61 (No. 2)*.

An Act to amend
The Corporations Act

1st Reading

February 28th, 1961

2nd Reading

3rd Reading

MR. YAREMKO

BILL 89

2ND SESSION, 26TH LEGISLATURE, ONTARIO
9-10 ELIZABETH II, 1960-61

An Act to amend The Corporations Act

MR. YAREMKO

An Act to amend The Corporations Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *m* of subsection 2 of section 208 of *The Corporations Act* is amended by striking out "60 per cent" in the eighth line and inserting in lieu thereof "66 $\frac{2}{3}$ per cent", so that the clause shall read as follows:

R.S.O. 1960,
c. 71, s. 208,
subs. 2, cl. *m*,
amended

- (*m*) ground rents, mortgages or hypothecs on real estate in Canada or elsewhere where the insurer is carrying on business, but the amount paid for the mortgage or hypothec together with the amount of indebtedness under any mortgage or hypothec on the real estate ranking superior to the mortgage or hypothec in which the investment is made shall not exceed 66 $\frac{2}{3}$ per cent of the value of the real estate covered thereby.

real estate
mortgages

(2) Clause *q* of subsection 2 of the said section 208 is amended by striking out "60 per cent" in the seventh and eleventh lines respectively and inserting in lieu thereof "66 $\frac{2}{3}$ per cent", so that the clause shall read as follows:

R.S.O. 1960,
c. 71, s. 208,
subs. 2, cl. *q*,
amended

- (*q*) real estate or leaseholds for a term of years or other estate or interest in real estate in Canada or elsewhere where the insurer is carrying on business, but the amount of the loan together with the amount of indebtedness under any mortgage or hypothec on the real estate or interest therein ranking superior to the loan shall not exceed 66 $\frac{2}{3}$ per cent of the value of the real estate or interest therein, subject to the exception that an insurer may accept as part payment for real estate sold by it a mortgage or hypothec for more than 66 $\frac{2}{3}$ per cent of the sale price of the real estate; or

real estate
mortgages

.

Commence-
ment

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Short title

3. This Act may be cited as *The Corporations Amendment Act, 1960-61 (No. 2)*.

An Act to amend
The Corporations Act

1st Reading

February 28th, 1961

2nd Reading

March 8th, 1961

3rd Reading

March 10th, 1961

MR. YAREMKO

BILL 90

2ND SESSION, 26TH LEGISLATURE, ONTARIO
9-10 ELIZABETH II, 1960-61

**An Act to amend
The Municipal Unconditional Grants Act**

MR. WARRENDER

EXPLANATORY NOTE

The new section 8*a* is to provide for the continuance in the year 1961 of the unconditional grants in respect of hospital treatment of indigent persons.

BILL 90

1960-61

An Act to amend The Municipal Unconditional Grants Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Municipal Unconditional Grants Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 259,
amended

8a.—(1) In this section, “statutory payments” means the total amount of the payments for charges for treatment of indigent persons and dependants of indigent persons in a hospital required to be made by a municipality with respect to any year by sections 18 and 27 of *The Public Hospitals Act* or the predecessors of such sections less the total of the amounts recovered by the municipality in respect of such payments under sections 29 and 30 of that Act or the predecessors of such sections. Statutory
payments
defined

R.S.O. 1960,
c. 322

- (2) In the year 1961 there shall be paid out of the moneys appropriated therefor by the Legislature to each metropolitan municipality, city and separated town in a county, to each county and to each municipality in the territorial districts a grant of 40 per cent of the average of the annual statutory payments made by the municipality with respect to the years 1955, 1956 and 1957, but in no instance shall the grant in the year 1961 be less than 70 per cent of the statutory payments made by the municipality with respect to that year. Grants re
indigent
hospitaliza-
tion

2. This Act shall be deemed to have come into force on the 1st day of January, 1961. Commence-
ment

3. This Act may be cited as *The Municipal Unconditional Grants Amendment Act, 1960-61*. Short title

An Act to amend
The Municipal Unconditional Grants Act

1st Reading

February 28th, 1961

2nd Reading

3rd Reading

MR. WARRENDER

BILL 90

2ND SESSION, 26TH LEGISLATURE, ONTARIO
9-10 ELIZABETH II, 1960-61

An Act to amend The Municipal Unconditional Grants Act

MR. WARRENDER

TORONTO
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BILL 90

1960-61

An Act to amend The Municipal Unconditional Grants Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Municipal Unconditional Grants Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 259
amended

8a.—(1) In this section, "statutory payments" means the total amount of the payments for charges for treatment of indigent persons and dependants of indigent persons in a hospital required to be made by a municipality with respect to any year by sections 18 and 27 of *The Public Hospitals Act* or the predecessors of such sections less the total of the amounts recovered by the municipality in respect of such payments under sections 29 and 30 of that Act or the predecessors of such sections. Statutory
payments
defined

R.S.O. 1960,
c. 322

(2) In the year 1961 there shall be paid out of the moneys appropriated therefor by the Legislature to each metropolitan municipality, city and separated town in a county, to each county and to each municipality in the territorial districts a grant of 40 per cent of the average of the annual statutory payments made by the municipality with respect to the years 1955, 1956 and 1957, but in no instance shall the grant in the year 1961 be less than 70 per cent of the statutory payments made by the municipality with respect to that year. Grants re
indigent
hospitaliza-
tion

2. This Act shall be deemed to have come into force on the 1st day of January, 1961. Commence-
ment

3. This Act may be cited as *The Municipal Unconditional Grants Amendment Act, 1960-61*. Short title

An Act to amend
The Municipal Unconditional Grants Act

1st Reading

February 28th, 1961

2nd Reading

March 8th, 1961

3rd Reading

March 10th, 1961

MR. WARRENDER

BILL 91

2ND SESSION, 26TH LEGISLATURE, ONTARIO
9-10 ELIZABETH II, 1960-61

An Act to amend The Public Utilities Act

MR. WARRENDER

EXPLANATORY NOTE

The amendment is complementary to an amendment to *The Municipal Act* which will allow municipalities to acquire and operate bus transportation systems. Section 64, as amended, will permit municipalities that operate or establish a bus transportation system to provide for entrusting the control and management of it to a commission.

BILL 91

1960-61

An Act to amend The Public Utilities Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) The heading to section 64 of *The Public Utilities Act* is amended by inserting after "Railways" "Bus Transportation Systems", so that the heading shall read as follows: R.S.O. 1960,
c. 335, s. 64,
heading,
amended

COMMISSION FOR RAILWAYS, BUS TRANSPORTATION SYSTEMS AND TELEPHONES

(2) Clause *a* of the said section 64 is repealed and the following substituted therefor: R.S.O. 1960,
c. 335, s. 64,
cl. *a*,
re-enacted

(*a*) a railway, an electric railway, a street railway, an incline railway or a bus transportation system; or

.

2. This Act comes into force on the day it receives Royal Assent. Commence-
ment

3. This Act may be cited as *The Public Utilities Amendment Act, 1960-61*. Short title

An Act to amend
The Public Utilities Act

1st Reading

February 28th, 1961

2nd Reading

3rd Reading

MR. WARRENDER

BILL 91

2ND SESSION, 26TH LEGISLATURE, ONTARIO
9-10 ELIZABETH II, 1960-61

An Act to amend The Public Utilities Act

MR. WARRENDER

BILL 91

1960-61

An Act to amend The Public Utilities Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) The heading to section 64 of *The Public Utilities Act* is amended by inserting after “Railways” “Bus Transportation Systems”, so that the heading shall read as follows: R.S.O. 1960,
c. 335, s. 64,
heading,
amended

COMMISSION FOR RAILWAYS, BUS TRANSPORTATION SYSTEMS AND TELEPHONES

(2) Clause *a* of the said section 64 is repealed and the following substituted therefor: R.S.O. 1960,
c. 335, s. 64,
cl. *a*,
re-enacted

(*a*) a railway, an electric railway, a street railway, an incline railway or a bus transportation system; or

.

2. This Act comes into force on the day it receives Royal Assent. Commence-
ment

3. This Act may be cited as *The Public Utilities Amendment Act, 1960-61*. Short title

An Act to amend
The Public Utilities Act

1st Reading

February 28th, 1961

2nd Reading

March 8th, 1961

3rd Reading

March 10th, 1961

MR. WARRENDER

BILL 92

2ND SESSION, 26TH LEGISLATURE, ONTARIO
9-10 ELIZABETH II, 1960-61

An Act to amend The Public Schools Act

MR. ROBARTS

EXPLANATORY NOTES

SECTION 1. The amendment removes the cost of transportation from the calculation of tuition fees unless the pupils concerned were transported by the board.

BILL 92

1960-61

An Act to amend The Public Schools Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 6 of *The Public Schools Act* is amended by adding after clause *b* "provided that the cost of transportation of pupils and the legislative grant paid thereon shall not enter into the determination of gross cost or net cost per pupil per day for the purposes of charging a fee unless the transportation was provided by the board for and used by the pupil on whose behalf the fee is to be paid", so that the subsection shall read as follows:

R.S.O. 1960,
c. 330, s. 6,
subs. 1,
amended

(1) In this section,

Rights of
admission:

(a) "gross cost per pupil per day" shall be determined by dividing the cost of operation of day schools of the board for the preceding year by the actual aggregate attendance for that year;

(b) "net cost per pupil per day" shall be determined by subtracting the legislative grant received by the board, except the grant on fees paid to another board and on the cost of night school, from the cost of operation of day schools of the board for the preceding year and dividing the remainder by the actual aggregate attendance for that year;

provided that the cost of transportation of pupils and the legislative grant paid thereon shall not enter into the determination of gross cost or net cost per pupil per day for the purposes of charging a fee unless the transportation was provided by the board for and used by the pupil on whose behalf the fee is to be paid.

R.S.O. 1960,
c. 330, s. 11,
subs. 3,
re-enacted

2.—(1) Subsection 3 of section 11 of *The Public Schools Act* is repealed and the following substituted therefor:

Area of
school
sections

- (3) Subject to subsection 3a, no school section in a township shall contain less than 2,500 acres.

Idem

- (3a) A school section may be formed in any year containing not less than 1,000 acres or consisting of an island or islands,

(a) where bodies of water or other physical features would make parts of the proposed school section inconvenient for school purposes; or

(b) where the proposed section contains forty or more children recorded by the assessor in the census taken by him in the preceding year who are five years of age and up to and including fifteen years of age residing with their parent or guardian in the proposed school section.

R.S.O. 1960,
c. 330, s. 11,
subs. 4,
amended

(2) Subsection 4 of the said section 11 is amended by striking out "school population between the ages of five and twenty-one years of" in the tenth and eleventh lines and inserting in lieu thereof "number of children who are five years of age and up to and including fifteen years of age resident in", so that the subsection shall read as follows:

Township
clerk to
prepare
maps of
school
sections

- (4) Every township clerk shall prepare in triplicate a school map of the township showing the divisions of the township into school sections and parts of union school sections, and shall furnish one copy to the county clerk for the use of the county council, one to the public school inspector and retain the other in his office for the use of the township council, and shall furnish annually, on or before the 1st day of December, to the local inspector, on request, information in writing of the acreage, the assessed value, the rate for school purposes and the number of children who are five years of age and up to and including fifteen years of age resident in each section or part of a union section within the township.

R.S.O. 1960,
c. 330, s. 29,
subs. 3,
re-enacted

3. Subsection 3 of section 29 of *The Public Schools Act* is repealed and the following substituted therefor:

Change in
number of
trustees

- (3) Where it becomes evident from the assessment roll of a municipality that the number of trustees on a school board should be increased or decreased, at

SECTION 2. The amendments are to clarify the minimum size of a rural school section.

SECTION 3. The amendment is to bring the provision into line with other provisions in the Act where, after the election of a new board, the existing board remains in office until the new board is organized.

SECTION 4. The amendment is to bring the provision into line with other provisions in the Act where, after the election of a new board, the existing board remains in office until the new board is organized.

SECTION 5—Subsection 1. The amendment provides that the arbitration for the apportionment of costs in a union school section shall be carried out where either a gradual or sudden change in assessment occurs.

the next election of trustees the proper number of trustees shall be elected, and the trustees then in office shall continue in office until the new board is organized.

4. Subsection 3 of section 31 of *The Public Schools Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 330, s. 31,
subs. 3,
re-enacted

- (3) At the election following the passing of the resolutions by the board and council or following an affirmative vote of a majority of the electors who voted on the resolution, as the case may be, the proper number of trustees shall be elected, and the trustees then in office shall continue in office until the new board is organized.

Election
of new
board after
change

5.—(1) Subsection 1 of section 55 of *The Public Schools Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 330, s. 55,
subs. 1,
re-enacted

- (1) Except in the case of union school sections established under section 46,
- (a) where the amount of the assessment for public school purposes of the part of the union school section situate in one municipality has increased or decreased by at least 10 per cent of the amount of its assessment at the date of the last apportionment; or
- (b) where, since the last apportionment, the sum of the percentage increase of the assessment for public school purposes in the part of the union school section in one municipality and of the percentage decrease of the assessment for public school purposes in the part of the union school section in any other municipality is at least ten,

Maintenance
of union
school
section,
apportion-
ment of
costs

and in any case,

- (c) in each year that is divisible evenly by 5,

the assessors of the municipalities in which such a union section is situate shall, before the 1st day of December, meet and determine what portion of the annual requisition made by the board for school purposes shall be levied, commencing in the following year, upon and collected from the taxable property of the public school supporters of the union school section situate in each of the municipalities in which

the section lies, provided that, upon the recommendation of at least one-half of the assessors and with the approval of the Minister, an apportionment may be made in any year.

R.S.O. 1960,
c. 330, s. 55,
amended

(2) The said section 55 is amended by adding thereto the following subsection:

Levy for
transporta-
tion costs
for high
school
pupils
resident in
part of
school
section
not in high
school
district

- (11) Where a part of a union school section or a township school area in a municipality is also in a high school district, and another part of the union school section or township school area is in an adjoining municipality that does not form part of a high school district, and the high school board is furnishing transportation for its resident pupils, the public school board of the union school section or township school area may furnish transportation for secondary school pupils whose parents or guardians are public school supporters and who reside in the part of the union school section or township school area that is not in the high school district and may require the council of such adjoining municipality to levy the cost of the transportation for the preceding year, less the legislative grant paid thereon, on the taxable property of the public school supporters in that part of the union school section or township school area.

R.S.O. 1960,
c. 330, s. 61,
subs. 1,
amended

6. Subsection 1 of section 61 of *The Public Schools Act* is amended by striking out "to the collector at the rate of not less than 5 per cent and" in the fifth and sixth lines and inserting in lieu thereof "the collector at the rate of", so that the subsection shall read as follows:

Appointment
and duties
of school
collector

- (1) The board of a school section may appoint some competent person, who may be a member thereof, to collect the rates imposed by them upon the rate-payers of the section, or the sums that the inhabitants or others may have subscribed, and may pay the collector at the rate of not more than 10 per cent on the moneys collected by him, and every collector shall give security satisfactory to the board, and the security shall be lodged for safe keeping with the inspector.

R.S.O. 1960,
c. 330, s. 73,
re-enacted

7. Section 73 of *The Public Schools Act* is repealed and the following substituted therefor:

School rate
where no
public school
in
municipality

73. Where in a municipality a person is entered on the assessment roll as a public school supporter and there is no public school board to which public school rates, if levied in any year on the taxable property

Subsection 2. The amendment provides for levying the cost of transportation of pupils to a high school, where they reside in a part of a school section that is not in a high school district, on the property of public school supporters in that part of the school section only.

SECTION 6. The minimum rate of 5 per cent for a tax collector for a school section in territory without municipal organization is deleted.

SECTION 7. The amendment is to clarify the rate that is to be levied on public school supporters in a municipality or school section in which there is no public school board.

SECTION 8. The new section is to clarify the administration and application of any fund held by municipalities for public school purposes.

of such person in the municipality, may be paid, there shall be levied and collected annually on the taxable property of such person in the municipality a rate equal to 50 per cent of the rate to be levied in that year for general municipal purposes in the municipality.

8. *The Public Schools Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 330,
amended

73a.—(1) The moneys raised under section 73 and any surplus moneys from the Ontario Municipalities Fund or from any other source for public school purposes held by a municipality shall be deposited in a reserve account for public school purposes and may be invested in such securities as a trustee may invest in under *The Trustee Act*, and the earnings from such investments shall form part of the reserve fund. Reserve
fund for
public
school
purposes

R.S.O. 1960,
c. 408

(2) The council of the municipality, with the approval of the Ontario Municipal Board, may apply part or all of the reserve fund to aid one or more public school boards having jurisdiction in the municipality. Application
of fund

9.—(1) This Act, except section 1, subsection 2 of section 5 and section 7, comes into force on the day it receives Royal Assent. Commence-
ment

(2) Section 1 shall be deemed to have come into force on the 1st day of January, 1961. Idem

(3) Subsection 2 of section 5 and section 7 come into force on the 1st day of January, 1962. Idem

10. This Act may be cited as *The Public Schools Amendment Act, 1960-61*. Short title

An Act to amend
The Public Schools Act

1st Reading

February 28th, 1961

2nd Reading

3rd Reading

MR. ROBARTS

BILL 92

2ND SESSION, 26TH LEGISLATURE, ONTARIO
9-10 ELIZABETH II, 1960-61

An Act to amend The Public Schools Act

MR. ROBARTS

BILL 92

1960-61

An Act to amend The Public Schools Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 6 of *The Public Schools Act* is amended by adding after clause *b* "provided that the cost of transportation of pupils and the legislative grant paid thereon shall not enter into the determination of gross cost or net cost per pupil per day for the purposes of charging a fee unless the transportation was provided by the board for and used by the pupil on whose behalf the fee is to be paid", so that the subsection shall read as follows:

R.S.O. 1960,
c. 330, s. 6,
subs. 1,
amended

(1) In this section,

Rights of
admission:

- (a) "gross cost per pupil per day" shall be determined by dividing the cost of operation of day schools of the board for the preceding year by the actual aggregate attendance for that year; gross cost
- (b) "net cost per pupil per day" shall be determined by subtracting the legislative grant received by the board, except the grant on fees paid to another board and on the cost of night school, from the cost of operation of day schools of the board for the preceding year and dividing the remainder by the actual aggregate attendance for that year; net cost

provided that the cost of transportation of pupils and the legislative grant paid thereon shall not enter into the determination of gross cost or net cost per pupil per day for the purposes of charging a fee unless the transportation was provided by the board for and used by the pupil on whose behalf the fee is to be paid.

R.S.O. 1960,
c. 330, s. 11,
subs. 3,
re-enacted

2.—(1) Subsection 3 of section 11 of *The Public Schools Act* is repealed and the following substituted therefor:

Area of
school
sections

- (3) Subject to subsection 3a, no school section in a township shall contain less than 2,500 acres.

Idem

- (3a) A school section may be formed in any year containing not less than 1,000 acres or consisting of an island or islands,

(a) where bodies of water or other physical features would make parts of the proposed school section inconvenient for school purposes; or

(b) where the proposed section contains forty or more children recorded by the assessor in the census taken by him in the preceding year who are five years of age and up to and including fifteen years of age residing with their parents or guardians in the proposed school section.

R.S.O. 1960,
c. 330, s. 11,
subs. 4,
amended

(2) Subsection 4 of the said section 11 is amended by striking out "school population between the ages of five and twenty-one years of" in the tenth and eleventh lines and inserting in lieu thereof "number of children who are five years of age and up to and including fifteen years of age resident in", so that the subsection shall read as follows:

Township
clerk to
prepare
maps of
school
sections

- (4) Every township clerk shall prepare in triplicate a school map of the township showing the divisions of the township into school sections and parts of union school sections, and shall furnish one copy to the county clerk for the use of the county council, one to the public school inspector and retain the other in his office for the use of the township council, and shall furnish annually, on or before the 1st day of December, to the local inspector, on request, information in writing of the acreage, the assessed value, the rate for school purposes and the number of children who are five years of age and up to and including fifteen years of age resident in each section or part of a union section within the township.

R.S.O. 1960,
c. 330, s. 29,
subs. 3,
re-enacted

3. Subsection 3 of section 29 of *The Public Schools Act* is repealed and the following substituted therefor:

Change in
number of
trustees

- (3) Where it becomes evident from the assessment roll of a municipality that the number of trustees on a school board should be increased or decreased, at

the next election of trustees the proper number of trustees shall be elected, and the trustees then in office shall continue in office until the new board is organized.

4. Subsection 3 of section 31 of *The Public Schools Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 330, s. 31,
subs. 3,
re-enacted

- (3) At the election following the passing of the resolutions by the board and council or following an affirmative vote of a majority of the electors who voted on the resolution, as the case may be, the proper number of trustees shall be elected, and the trustees then in office shall continue in office until the new board is organized.

Election
of new
board after
change

5.—(1) Subsection 1 of section 55 of *The Public Schools Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 330, s. 55,
subs. 1, ~~repealed~~
re-enacted

- (1) Except in the case of union school sections established under section 46,
- (a) where the amount of the assessment for public school purposes of the part of the union school section situate in one municipality has increased or decreased by at least 10 per cent of the amount of its assessment at the date of the last apportionment; or
- (b) where, since the last apportionment, the sum of the percentage increase of the assessment for public school purposes in the part of the union school section in one municipality and of the percentage decrease of the assessment for public school purposes in the part of the union school section in any other municipality is at least ten,

Maintenance
of union
school
section,
apportion-
ment of
costs

and in any case,

- (c) in each year that is divisible evenly by 5,

the assessors of the municipalities in which such a union section is situate shall, before the 1st day of December, meet and determine what portion of the annual requisition made by the board for school purposes shall be levied, commencing in the following year, upon and collected from the taxable property of the public school supporters of the union school section situate in each of the municipalities in which

the section lies, provided that, upon the recommendation of at least one-half of the assessors and with the approval of the Minister, an apportionment may be made in any year.

R.S.O. 1960,
c. 330, s. 55,
amended

(2) The said section 55 is amended by adding thereto the following subsection:

Levy for transportation costs for high school pupils resident in part of school section not in high school district

- (11) Where a part of a union school section or a township school area in a municipality is also in a high school district, and another part of the union school section or township school area is in an adjoining municipality that does not form part of a high school district, and the high school board is furnishing transportation for its resident pupils, the public school board of the union school section or township school area may furnish transportation for secondary school pupils whose parents or guardians are public school supporters and who reside in the part of the union school section or township school area that is not in the high school district and may require the council of such adjoining municipality to levy the cost of the transportation for the preceding year, less the legislative grant paid thereon, on the taxable property of the public school supporters in that part of the union school section or township school area.

R.S.O. 1960,
c. 330, s. 61,
subs. 1,
amended

6. Subsection 1 of section 61 of *The Public Schools Act* is amended by striking out "to the collector at the rate of not less than 5 per cent and" in the fifth and sixth lines and inserting in lieu thereof "the collector at the rate of", so that the subsection shall read as follows:

Appointment and duties of school collector

- (1) The board of a school section may appoint some competent person, who may be a member thereof, to collect the rates imposed by them upon the rate-payers of the section, or the sums that the inhabitants or others may have subscribed, and may pay the collector at the rate of not more than 10 per cent on the moneys collected by him, and every collector shall give security satisfactory to the board, and the security shall be lodged for safe keeping with the inspector.

R.S.O. 1960,
c. 330, s. 73,
re-enacted

7. Section 73 of *The Public Schools Act* is repealed and the following substituted therefor:

School rate where no public school in municipality

73. Where in a municipality a person is entered on the assessment roll as a public school supporter and there is no public school board to which public school rates, if levied in any year on the taxable property

of such person in the municipality, may be paid, there shall be levied and collected annually on the taxable property of such person in the municipality a rate equal to 50 per cent of the rate to be levied in that year for general municipal purposes in the municipality.

8. *The Public Schools Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 330,
amended

73a.—(1) The moneys raised under section 73 and any surplus moneys from the Ontario Municipalities Fund or from any other source for public school purposes held by a municipality shall be deposited in a reserve account for public school purposes and may be invested in such securities as a trustee may invest in under *The Trustee Act*, and the earnings from such investments shall form part of the reserve fund. Reserve
fund for
public
school
purposes

R.S.O. 1960,
c. 408

(2) The council of the municipality, with the approval of the Ontario Municipal Board, may apply part or all of the reserve fund to aid one or more public school boards having jurisdiction in the municipality. Application
of fund

9.—(1) This Act, except section 1, subsection 2 of section 5 and section 7, comes into force on the day it receives Royal Assent. Commence-
ment

(2) Section 1 shall be deemed to have come into force on the 1st day of January, 1961. Idem

(3) Subsection 2 of section 5 and section 7 come into force on the 1st day of January, 1962. Idem

10. This Act may be cited as *The Public Schools Amendment Act, 1960-61*. Short title

An Act to amend
The Public Schools Act

1st Reading

February 28th, 1961

2nd Reading

March 6th, 1961

3rd Reading

March 16th, 1961

MR. ROBARTS

BILL 93

2ND SESSION, 26TH LEGISLATURE, ONTARIO
9-10 ELIZABETH II, 1960-61

An Act to amend The Secondary Schools and Boards of Education Act

MR. ROBARTS

EXPLANATORY NOTES

SECTION 1—Subsection 1. The amendment is to bring the calculation for the right of a non-resident to send his child to a neighbouring school in line with the similar provision in *The Public Schools Act*, which bases the calculation on data that is available to the school board.

Subsection 2. The amendment deletes an obsolete provision and is for clarification only.

SECTION 2. The amendments provide for the adjustment of assets and liabilities where part or all of a municipality is detached from a high school district.

BILL 93

1960-61

An Act to amend The Secondary Schools and Boards of Education Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *b* of subsection 2 of section 1 of *The Secondary Schools and Boards of Education Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 362, s. 1,
subs. 2,
cl. *b*,
re-enacted

- (*b*) if he or his parent or guardian is assessed in the secondary school district as an owner or for business assessment or as an owner and for business assessment for an amount at least equal to the total assessment in the preceding year of property taxable for secondary school purposes in the secondary school district divided by four times the average daily attendance of resident pupils in that year.

(2) Subsection 3 of the said section 1 is repealed and the following substituted therefor: R.S.O. 1960,
c. 362, s. 1,
subs. 3,
re-enacted

- (3) A person is a county pupil of a county if he resides with his parent or guardian in that part of the county that is not within a secondary school district, but a person is not a county pupil if he resides with his parent or guardian on land that is exempt from taxation for school purposes and neither he nor his parent or guardian is assessed for or pays taxes for school purposes in a municipality in the county. County
pupils

2. Subsection 3 of section 15 of *The Secondary Schools and Boards of Education Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 362, s. 15,
subs. 3,
re-enacted

- (3) Where a municipality or part of a municipality is detached from a high school district that is wholly within a county, the county council shall adjust and adjust of assets and liabilities Adjustment
of assets
and
liabilities

one arbitrator, who, with the county judge and a secondary school inspector appointed by the Minister, shall value and adjust, in an equitable manner, the assets and liabilities of the board of the high school district that exist on the date that the detachment is effective and determine the amount of money to be paid by a board or municipality to any other board or municipality and the manner in which the payment shall, in each case, be made.

Idem

- (4) Where the high school district includes any combination of part or all of one or more counties and one or more cities or separated towns, the council of each county, city or separated town shall appoint an arbitrator, who, with the county judge and a secondary school inspector appointed by the Minister, shall be arbitrators for the purposes of subsection 3.

Idem

- (5) Where the high school district includes municipalities or parts of municipalities in the territorial districts or territory without municipal organization, the council of each municipality and the school board on behalf of the territory without municipal organization shall each appoint an arbitrator, who, with the district judge and a secondary school inspector appointed by the Minister, shall be the arbitrators for the purposes of subsection 3.

Payment of
liability

- (6) Where the award of the arbitrators directs the payment of a sum of money, the corporation that is liable may make the payment from current funds or, without the assent of the electors, may issue debentures for the amount of the liability in the manner provided in *The Municipal Act*.

R.S.O. 1960,
c. 249

Arbitrators

- (7) An arbitrator appointed by a council or school board shall not be a resident or a ratepayer of any high school district concerned or a member of the municipal council or school board concerned.

R.S.O. 1960,
c. 362, s. 26,
amended

3. Section 26 of *The Secondary Schools and Boards of Education Act* is amended by adding thereto the following subsections:

Return of
arrears of
taxes in
unorganized
territory

- (6) The collector shall, on or before the 8th day of April in the year following the year in which a school rate becomes due and payable, make a return to the sheriff of the district showing each lot or parcel assessed upon which the school rates have not been fully paid, the name of the person assessed as owner or occupant

SECTION 3. The amendments provide that the collection of unpaid taxes on property in territory without municipal organization shall be done through the sheriff's office in the same manner as is provided in *The Public Schools Act*.

SECTION 4. The amendment is to clarify the limitation on members of a board of education, who are appointed by the county or by the separate school board, with respect to their right to vote on public school questions.

SECTION 5. The amendment repeals the provision authorizing a board of education to appoint a psychiatrist or psychologist. This provision is enacted in *The Schools Administration Act* and hereafter will apply to all school boards. See Bill 57.

and the amount of school rates chargeable against the lot or parcel and in arrear at the date of the return, with the year for which the rates so in arrear were imposed.

- (7) The sheriff shall enter in a book to be kept by him ^{Entry in sheriff's book} for that purpose the particulars furnished by the collector.
- (8) The collector shall not receive any payment on ^{Payment of arrears thereafter} account of school rates so in arrear after the expiration of two years from the date when the rates became due, but, in the case of payments made before the expiration of that period, the collector shall forthwith notify the sheriff thereof and the sheriff shall enter the payment against the proper lot or parcel in the book kept by him.
- (9) After the expiration of such period, all such arrears ^{When arrears to be paid to sheriff} are payable to the sheriff, who shall enter all payments in the book kept by him and who shall return the amount paid to the treasurer of the board.
- (10) When it appears from the entries in the book kept ^{Sale of land for arrears} by the sheriff that any school rate is in arrear for three years from the 31st day of December in the year in which the rate became payable, the sheriff shall proceed to collect such rate by the sale of the lands assessed, and the procedure in relation to such sale and the provisions applicable to purchase by the municipality and to the redemption of lands thereafter and to deeds to be given by the sheriff to tax purchasers shall be the same as nearly as may be as in the case of the sale of lands for arrears of taxes in organized municipalities, and the board may in such cases exercise the power of purchase conferred upon a municipality.

4. Subsection 1 of section 57 of *The Secondary Schools and Boards of Education Act* is repealed and the following sub- ^{R.S.O. 1960, c. 362, s. 57, subs. 1, re-enacted} stituted therefor:

- (1) A member of a board of education who is appointed ^{Restrictions on appointed members} by a county council or by a separate school board shall not vote on a motion that affects public schools exclusively.

5. Subsection 3 of section 63 of *The Secondary Schools and Boards of Education Act* is repealed. ^{R.S.O. 1960, c. 362, s. 63, subs. 3, repealed}

R.S.O. 1960,
c. 362, s. 69,
subs. 4, cl. a,
subcl. i,
amended

6.—(1) Subclause i of clause a of subsection 4 of section 69 of *The Secondary Schools and Boards of Education Act* is amended by inserting after “excluding” in the third line “the cost of transporting resident pupils”, so that the subclause shall read as follows:

- (i) maintenance of the high or continuation schools under the jurisdiction of the board, excluding the cost of transporting resident pupils, fees paid or payable to another board and the cost of operation of evening courses of study.

R.S.O. 1960,
c. 362, s. 69,
subs. 4, cl. b,
subcl. i,
amended

(2) Subclause i of clause b of subsection 4 of the said section 69 is amended by inserting after “grants” where it occurs the second time in the first line “on the cost of transporting resident pupils and”, so that the subclause shall read as follows:

- (i) legislative grants, excluding grants on the cost of transporting resident pupils and on fees paid or payable to another board and on the operation of evening courses of study.

R.S.O. 1960,
c. 362, s. 69,
subs. 4, cl. b,
subcl. ii,
amended

(3) Subclause ii of clause b of subsection 4 of the said section 69 is amended by adding at the end thereof “and other than fees paid by students for evening courses of study”, so that the subclause shall read as follows:

- (ii) fees other than fees paid or payable by another board and other than fees paid by students for evening courses of study.

R.S.O. 1960,
c. 362, s. 70,
subs. 5,
re-enacted

7. Subsection 5 of section 70 of *The Secondary Schools and Boards of Education Act* is repealed and the following substituted therefor:

Fees
payable
to
treasurer

- (5) Fees payable by a secondary school board under this section are payable to the treasurer of the board that operates the school attended by the pupils on an estimated basis at least quarterly during the year in which the pupils in respect of whom fees are payable attend the school, with such adjustment as may be necessary when the actual costs for the year have been finally determined, and the estimate shall be not less than the rate per pupil, chargeable for a similar period in the preceding year, times 90 per cent of the number of such pupils enrolled at the beginning of the current school term.

SECTION 6. The amendments provide that the cost of providing transportation for resident pupils and fees paid by students for evening courses of study shall not be included in the determination of the cost of education of county pupils.

SECTION 7. The amendment provides that, where school boards are required to pay tuition fees to another board, they shall be paid currently in the year in which they are incurred.

8.—(1) This Act, except sections 1, 3, 6 and 7, comes into ^{Commence-}force on the day it receives Royal Assent.
ment

(2) Section 6 shall be deemed to have come into force on ^{Idem}the 1st day of January, 1961.

(3) Sections 1 and 7 come into force on the 1st day of July, ^{Idem}1961.

(4) Section 3 comes into force on the 1st day of January, ^{Idem}1962.

9. This Act may be cited as *The Secondary Schools and* ^{Short title}*Boards of Education Amendment Act, 1960-61.*

An Act to amend
The Secondary Schools and Boards
of Education Act

1st Reading

February 28th, 1961

2nd Reading

3rd Reading

MR. ROBARTS

BILL 93

2ND SESSION, 26TH LEGISLATURE, ONTARIO
9-10 ELIZABETH II, 1960-61

An Act to amend The Secondary Schools and Boards of Education Act

MR. ROBARTS

BILL 93

1960-61

An Act to amend The Secondary Schools and Boards of Education Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *b* of subsection 2 of section 1 of *The Secondary Schools and Boards of Education Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 362, s. 1,
subs. 2,
cl. b,
re-enacted

- (b) if he or his parent or guardian is assessed in the secondary school district as an owner or for business assessment or as an owner and for business assessment for an amount at least equal to the total assessment in the preceding year of property taxable for secondary school purposes in the secondary school district divided by four times the average daily attendance of resident pupils in that year.

(2) Subsection 3 of the said section 1 is repealed and the following substituted therefor: R.S.O. 1960,
c. 362, s. 1,
subs. 3,
re-enacted

- (3) A person is a county pupil of a county if he resides with his parent or guardian in that part of the county that is not within a secondary school district, but a person is not a county pupil if he resides with his parent or guardian on land that is exempt from taxation for school purposes and neither he nor his parent or guardian is assessed for or pays taxes for school purposes in a municipality in the county. County
pupils

2. Subsection 3 of section 15 of *The Secondary Schools and Boards of Education Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 362, s. 15,
subs. 3,
re-enacted

- (3) Where a municipality or part of a municipality is detached from a high school district that is wholly within a county, the county council shall appoint Adjustment
of assets
and
liabilities

one arbitrator, who, with the county judge and a secondary school inspector appointed by the Minister, shall value and adjust, in an equitable manner, the assets and liabilities of the board of the high school district that exist on the date that the detachment is effective and determine the amount of money to be paid by a board or municipality to any other board or municipality and the manner in which the payment shall, in each case, be made.

Idem

- (4) Where the high school district includes any combination of part or all of one or more counties and one or more cities or separated towns, the council of each county, city or separated town shall appoint an arbitrator, who, with the county judge and a secondary school inspector appointed by the Minister, shall be arbitrators for the purposes of subsection 3.

Idem

- (5) Where the high school district includes municipalities or parts of municipalities in the territorial districts or territory without municipal organization, the council of each municipality and the school board on behalf of the territory without municipal organization shall each appoint an arbitrator, who, with the district judge and a secondary school inspector appointed by the Minister, shall be the arbitrators for the purposes of subsection 3.

Payment of
liability

- (6) Where the award of the arbitrators directs the payment of a sum of money, the corporation that is liable may make the payment from current funds or, without the assent of the electors, may issue debentures for the amount of the liability in the manner provided in *The Municipal Act*.

R.S.O. 1960,
c. 249

Arbitrators

- (7) An arbitrator appointed by a council or school board shall not be a resident or a ratepayer of any high school district concerned or a member of the municipal council or school board concerned.

R.S.O. 1960,
c. 362, s. 26,
amended

3. Section 26 of *The Secondary Schools and Boards of Education Act* is amended by adding thereto the following subsections:

Return of
arrears of
taxes in
unorganized
territory

- (6) The collector shall, on or before the 8th day of April in the year following the year in which a school rate becomes due and payable, make a return to the sheriff of the district showing each lot or parcel assessed upon which the school rates have not been fully paid, the name of the person assessed as owner or occupant

and the amount of school rates chargeable against the lot or parcel and in arrear at the date of the return, with the year for which the rates so in arrear were imposed.

- (7) The sheriff shall enter in a book to be kept by him for that purpose the particulars furnished by the collector. Entry in sheriff's book
- (8) The collector shall not receive any payment on account of school rates so in arrear after the expiration of two years from the date when the rates became due, but, in the case of payments made before the expiration of that period, the collector shall forthwith notify the sheriff thereof and the sheriff shall enter the payment against the proper lot or parcel in the book kept by him. Payment of arrears thereafter
- (9) After the expiration of such period, all such arrears are payable to the sheriff, who shall enter all payments in the book kept by him and who shall return the amount paid to the treasurer of the board. When arrears to be paid to sheriff
- (10) When it appears from the entries in the book kept by the sheriff that any school rate is in arrear for three years from the 31st day of December in the year in which the rate became payable, the sheriff shall proceed to collect such rate by the sale of the lands assessed, and the procedure in relation to such sale and the provisions applicable to purchase by the municipality and to the redemption of lands thereafter and to deeds to be given by the sheriff to tax purchasers shall be the same as nearly as may be as in the case of the sale of lands for arrears of taxes in organized municipalities, and the board may in such cases exercise the power of purchase conferred upon a municipality. Sale of land for arrears

4. Subsection 1 of section 57 of *The Secondary Schools and Boards of Education Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 362, s. 57, subs. 1, re-enacted

- (1) A member of a board of education who is appointed by a county council or by a separate school board shall not vote on a motion that affects public schools exclusively. Restrictions on appointed members

5. Subsection 3 of section 63 of *The Secondary Schools and Boards of Education Act* is repealed. R.S.O. 1960, c. 362, s. 63, subs. 3, repealed

R.S.O. 1960, c. 362, s. 69, subs. 4, cl. a, subcl. i, amended **6.**—(1) Subclause i of clause *a* of subsection 4 of section 69 of *The Secondary Schools and Boards of Education Act* is amended by inserting after “excluding” in the third line “the cost of transporting resident pupils”, so that the subclause shall read as follows:

- (i) maintenance of the high or continuation schools under the jurisdiction of the board, excluding the cost of transporting resident pupils, fees paid or payable to another board and the cost of operation of evening courses of study.

R.S.O. 1960, c. 362, s. 69, subs. 4, cl. b, subcl. i, amended (2) Subclause i of clause *b* of subsection 4 of the said section 69 is amended by inserting after “grants” where it occurs the second time in the first line “on the cost of transporting resident pupils and”, so that the subclause shall read as follows:

- (i) legislative grants, excluding grants on the cost of transporting resident pupils and on fees paid or payable to another board and on the operation of evening courses of study.

R.S.O. 1960, c. 362, s. 69, subs. 4, cl. b, subcl. ii, amended (3) Subclause ii of clause *b* of subsection 4 of the said section 69 is amended by adding at the end thereof “and other than fees paid by students for evening courses of study”, so that the subclause shall read as follows:

- (ii) fees other than fees paid or payable by another board and other than fees paid by students for evening courses of study.

R.S.O. 1960, c. 362, s. 70, subs. 5, re-enacted **7.** Subsection 5 of section 70 of *The Secondary Schools and Boards of Education Act* is repealed and the following substituted therefor:

Fees payable to treasurer

- (5) Fees payable by a secondary school board under this section are payable to the treasurer of the board that operates the school attended by the pupils on an estimated basis at least quarterly during the year in which the pupils in respect of whom fees are payable attend the school, with such adjustment as may be necessary when the actual costs for the year have been finally determined, and the estimate shall be not less than the rate per pupil, chargeable for a similar period in the preceding year, times 90 per cent of the number of such pupils enrolled at the beginning of the current school term.

8.—(1) This Act, except sections 1, 3, 6 and 7, comes into ^{Commence-}force on the day it receives Royal Assent.
ment

(2) Section 6 shall be deemed to have come into force on ^{Idem}the 1st day of January, 1961.

(3) Sections 1 and 7 come into force on the 1st day of July, ^{Idem}1961.

(4) Section 3 comes into force on the 1st day of January, ^{Idem}1962.

9. This Act may be cited as *The Secondary Schools and* ^{Short title}*Boards of Education Amendment Act, 1960-61.*

An Act to amend
The Secondary Schools and Boards
of Education Act

1st Reading

February 28th, 1961

2nd Reading

March 6th, 1961

3rd Reading

March 16th, 1961

MR. ROBARTS

BILL 94

2ND SESSION, 26TH LEGISLATURE, ONTARIO
9-10 ELIZABETH II, 1960-61

An Act to amend The Separate Schools Act

MR. ROBARTS

EXPLANATORY NOTES

SECTION 1—Subsection 1. The amendments provide a number in the name for a separate school board in an unorganized township.

Subsection 2. The amendment provides that the collection of unpaid taxes on property in territory without municipal organization shall be done through the sheriff's office in the manner provided in *The Public Schools Act*.

BILL 94

1960-61

An Act to amend The Separate Schools Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clauses *a*, *b* and *c* of subsection 2 of section 21 of *The Separate Schools Act* are repealed and the following substituted therefor:

R.S.O. 1960,
c. 368, s. 21,
subs. 2,
cls. *a*, *b*,
re-enacted;
cl. *c*,
repealed

- (a) where the separate school is located in an unorganized township, "The Roman Catholic Separate School Board No. of the Township of in the Territorial District of"
(inserting the number of the school section in which the separate school is located and, if it is not in a school section, inserting a number selected by the inspector that will be used until a school section is formed that includes the separate school within its boundaries);
- (b) where the separate school is located in unsurveyed territory, "The Roman Catholic Separate School Board of in the Territorial District of"
(inserting a name selected by the inspector and the name of the territorial district).

(2) The said section 21 is amended by adding thereto the following subsections:

R.S.O. 1960,
c. 368, s. 21,
amended

- (6) The collector shall, on or before the 8th day of April in the year following the year in which a school rate becomes due and payable, make a return to the sheriff of the district showing each lot or parcel assessed upon which the school rates have not been fully paid, the name of the person assessed as owner or occupant and the amount of school rates charge-

Return of
arrears of
taxes in
unorganized
territory

able against the lot or parcel and in arrear at the date of the return, with the year for which the rates so in arrear were imposed.

Entry in
sheriff's
book

- (7) The sheriff shall enter in a book to be kept by him for that purpose the particulars furnished by the collector.

Payment of
arrears
thereafter

- (8) The collector shall not receive any payment on account of school rates so in arrear after the expiration of two years from the date when the rates became due, but, in the case of payments made before the expiration of that period, the collector shall forthwith notify the sheriff thereof and the sheriff shall enter the payment against the proper lot or parcel in the book kept by him.

When
arrears to
be paid
to sheriff

- (9) After the expiration of such period, all such arrears are payable to the sheriff, who shall enter all payments in the book kept by him and who shall return the amount paid to the treasurer of the board.

Sale of
lands for
arrears

- (10) When it appears from the entries in the book kept by the sheriff that any school rate is in arrear for three years from the 31st day of December in the year in which the rate became payable, the sheriff shall proceed to collect such rate by the sale of the lands assessed, and the procedure in relation to such sale and the provisions applicable to purchase by the municipality and to the redemption of lands thereafter and to deeds to be given by the sheriff to tax purchasers shall be the same as nearly as may be as in the case of the sale of lands for arrears of taxes in organized municipalities, and the board may in such cases exercise the power of purchase conferred upon a municipality.

R.S.O. 1960
c. 368, s. 22,
subs. 1,
amended

2. Subsection 1 of section 22 of *The Separate Schools Act* is amended by adding after clause *b* "provided that the cost of transportation of pupils and the legislative grant paid thereon shall not enter into the determination of gross cost or net cost per pupil per day for the purposes of charging a fee unless the transportation was provided by the board for and used by the pupil on whose behalf the fee is to be paid", so that the subsection shall read as follows:

Determina-
tion of gross
and net cost

- (1) In this section,

- (a) "gross cost per pupil per day" shall be determined by dividing the cost of operation of day schools of the board for the preceding year by the actual aggregate attendance for that year;

SECTION 2. The amendment removes the cost of transportation from the calculation of tuition fees unless the pupils concerned were transported by the board.

SECTION 3. The present name of a union separate school board is confused with the name of a separate school board in a union school section. The amendment is for clarification.

SECTION 4. At present, *The Separate Schools Act* does not provide for the number of trustees of separate school boards in towns and cities not divided into wards. The provisions respecting the election and numbers of trustees of urban separate school boards are revised in line with *The Public Schools Act*.

The new section 36c provides for the resignation of an urban separate school trustee in a manner similar to an urban public school trustee.

- (b) "net cost per pupil per day" shall be determined by subtracting the legislative grant received by the board, except the grant on fees paid to another board and on the cost of night school, from the cost of operation of day schools of the board for the preceding year and dividing the remainder by the actual aggregate attendance for that year;

provided that the cost of transportation of pupils and the legislative grant paid thereon shall not enter into the determination of gross cost or net cost per pupil per day for the purposes of charging a fee unless the transportation was provided by the board for and used by the pupil on whose behalf the fee is to be paid.

3. Subsection 2 of section 32 of *The Separate Schools Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 368, s. 32,
subs. 2,
re-enacted

- (2) The trustees of a union separate school are a corporation by the name of "The Board of the Combined Roman Catholic Separate Schools of
....." (*inserting alphabetically the names of the municipalities in which the separate schools of the board are located and, where there are two or more unions in the same municipality, adding a number assigned by the inspector*).

Corporate
name

4. Sections 35 and 36 of *The Separate Schools Act* are repealed and the following substituted therefor:

R.S.O. 1960,
c. 368,
ss. 35, 36,
re-enacted

- 35.—(1) Except as provided in section 36, the trustees of an urban separate school board shall be elected by general vote for a term of two years with one-half of the trustees retiring each year.

Election of
trustees
in urban
municipalities by
general vote]

- (2) The number of the trustees on the urban separate school board shall be determined by the population of the municipality as shown on the assessment roll for the year preceding the year in which the election is held, as follows, where the population was,

Number of
trustees

- (a) less than 10,000, six trustees;
- (b) 10,000 or more but less than 50,000, eight trustees;
- (c) 50,000 or more but less than 100,000, ten trustees;
- (d) 100,000 or more, twelve trustees.

Change in
number of
trustees

- (3) Where it becomes evident from the assessment roll of a municipality that the number of trustees on an urban separate school board should be increased or decreased, at the next election of trustees the proper number of trustees shall be elected, and the trustees then in office shall continue in office until the new board is elected.

Urban
municipality
divided
into wards

- 36.—(1) An urban separate school board for an urban municipality that is divided into wards may, in the manner provided in section 36a, be changed to a board comprising two trustees for each ward, one of whom shall retire each year, elected by the separate school supporters of that ward.

Where five
or more
wards

- (2) An urban separate school board for an urban municipality that is divided into five or more wards may, in the manner provided in section 36a, be changed to a board comprising one trustee from each ward elected by the separate school supporters of that ward for a period of two years.

Change from
election by
wards to
general vote

- (3) An urban separate school board for an urban municipality that is divided into wards may, in the manner provided in section 36a, be changed to a board elected in the manner provided in section 35.

Method of
changing
composition
and election
of board

- 36a.—(1) The composition and election of an urban separate school board for an urban municipality that is divided into wards may be changed from the composition and election mentioned in subsection 1 or 2 of section 36 to that provided in either of such subsections, provided that the resolution of the board for a change has been submitted to, and has received an affirmative vote of, a majority of the supporters of the separate schools of the urban municipality who voted on the resolution.

Election
of new
board after
change

- (2) At the election following an affirmative vote of a majority of the separate school supporters who voted on the resolution, the proper number of trustees shall be elected, and the trustees then in office shall continue in office until the new board is elected.

Limitation
on changing
method of
election

- (3) A change in the method of election of an urban separate school board may not be made unless the board has been elected in its present form for a period of four years.

Determina-
tion of
retirement
of trustees

- 36b. At the first election of the trustees of an urban separate school board and at the first election of

SECTION 5. The new subsections provide for the filling of vacancies on urban separate school boards and union separate school boards in a manner similar to the provisions of *The Public Schools Act*.

trustees held after a change in the composition of the board, where one-half of the trustees of the board are to retire at the end of the first year,

- (a) in the case of an election by general vote, the elected trustees who received the lowest number of votes shall retire at the end of the first year; and
- (b) in the case of an election by wards, the elected trustee who received the lowest number of votes in each ward shall retire at the end of the first year,

and, in the case of a tie vote or of an acclamation, the order of retirement shall be determined by lot at the first meeting of the board and recorded in the minutes of the meeting.

36c. A trustee of an urban separate school board may resign by giving written notice of his resignation to the secretary. Resignation
of trustees

5. Section 46 of *The Separate Schools Act* is amended by adding thereto the following subsections: R.S.O. 1960,
c. 368, s. 46,
amended

- (3) Subject to subsection 5, where a vacancy occurs from any cause in an urban separate school board or a union separate school board and the remaining trustees constitute a majority of the membership of the board, a majority of the remaining trustees shall, at the first regular meeting after the vacancy occurs, elect some qualified person to fill the vacancy and the person so elected shall hold office for the remainder of the term for which his predecessor was elected, and in the case of an equality of votes the chairman of the meeting has a second or casting vote. Vacancies
in urban
boards and
union
boards
- (4) Subject to subsection 5, where a vacancy occurs from any cause in an urban separate school board or a union separate school board and the remaining trustees do not constitute a majority of the membership of the board, a new election shall be held to fill the vacancies, and every member so elected shall hold office for the remainder of the term for which his predecessor was elected, and, where at any such election any vacancy is for a longer term than the remaining vacancy or vacancies, the candidate having the largest number of votes at the election Idem

shall fill the vacancy for the longer term, and in the case of a tie the secretary of the board shall determine the order of retirement by lot.

Idem

- (5) In the case of an urban separate school board or a union separate school board,
 - (a) any vacancy that occurs within one month before the next ensuing election shall not be filled in the manner provided by subsection 3 or 4, but the office shall remain vacant until the election, and, if the term of the vacant office then expires, a new trustee shall be elected or, if the term does not then expire, some duly qualified person shall be elected at the election to fill the vacancy for the remainder of the term;
 - (b) any vacancy that occurs after the election but before the new board is organized shall be filled immediately after the new board is organized in the manner provided in subsection 3 or 4, as the case may be;
 - (c) where there are a number of vacancies and the vacancies are for terms of different lengths, the vacancies for the longer terms shall be filled by the candidates having the most votes;
 - (d) where the number of candidates who are nominated is the same as the number of vacancies, and the terms differ, the secretary of the board shall determine the order of retirement by lot.

R.S.O. 1960,⁷
c. 368,
amended

6. *The Separate Schools Act* is amended by adding thereto the following section:

Levy for
transporta-
tion costs
of high
school
pupils not
resident in
high school
district

- 59a. Where some of the supporters of a separate school reside in a municipality and in a high school district and other supporters of the separate school reside in another municipality and not in a high school district, and the high school board or board of education is furnishing transportation for its resident secondary school pupils, the separate school board may furnish transportation for secondary school pupils whose parents or guardians are separate school supporters who do not reside in the high school district and may levy the cost of the transportation

SECTION 6. The new section 59a provides for levying the cost of transporting to a secondary school pupils of supporters who do not reside in a high school district on such supporters.

for the preceding year, less the legislative grant paid thereon, on the supporters who do not reside in the high school district.

7.—(1) This Act, except subsection 2 of section 1 and sections 2 and 6, comes into force on the day it receives Royal Assent. <sup>Commence-
ment</sup>

(2) Section 2 shall be deemed to have come into force on Idem the 1st day of January, 1961.

(3) Subsection 2 of section 1 and section 6 come into force Idem on the 1st day of January, 1962.

8. This Act may be cited as *The Separate Schools Amendment Act, 1960-61*. ^{Short title}

An Act to amend
The Separate Schools Act

1st Reading

February 28th, 1961

2nd Reading

3rd Reading

MR. ROBARTS

BILL 94

2ND SESSION, 26TH LEGISLATURE, ONTARIO
9-10 ELIZABETH II, 1960-61

An Act to amend The Separate Schools Act

MR. ROBARTS

BILL 94

1960-61

An Act to amend The Separate Schools Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clauses *a*, *b* and *c* of subsection 2 of section 21 of *The Separate Schools Act* are repealed and the following substituted therefor:

R.S.O. 1960,
c. 368, s. 21,
subs. 2,
cls. *a*, *b*,
re-enacted;
cl. *c*,
repealed

(*a*) where the separate school is located in an unorganized township, "The Roman Catholic Separate School Board No. of the Township of in the Territorial District of"
(*inserting the number of the school section in which the separate school is located and, if it is not in a school section, inserting a number selected by the inspector that will be used until a school section is formed that includes the separate school within its boundaries*);

(*b*) where the separate school is located in unsurveyed territory, "The Roman Catholic Separate School Board of in the Territorial District of"
(*inserting a name selected by the inspector and the name of the territorial district*).

(2) The said section 21 is amended by adding thereto the following subsections:

R.S.O. 1960,
c. 368, s. 21,
amended

(6) The collector shall, on or before the 8th day of April in the year following the year in which a school rate becomes due and payable, make a return to the sheriff of the district showing each lot or parcel assessed upon which the school rates have not been fully paid, the name of the person assessed as owner or occupant and the amount of school rates charge-

Return of
arrears of
taxes in
unorganized
territory

able against the lot or parcel and in arrear at the date of the return, with the year for which the rates so in arrear were imposed.

Entry in
sheriff's
book

- (7) The sheriff shall enter in a book to be kept by him for that purpose the particulars furnished by the collector.

Payment of
arrears
thereafter

- (8) The collector shall not receive any payment on account of school rates so in arrear after the expiration of two years from the date when the rates became due, but, in the case of payments made before the expiration of that period, the collector shall forthwith notify the sheriff thereof and the sheriff shall enter the payment against the proper lot or parcel in the book kept by him.

When
arrears to
be paid
to sheriff

- (9) After the expiration of such period, all such arrears are payable to the sheriff, who shall enter all payments in the book kept by him and who shall return the amount paid to the treasurer of the board.

Sale of
lands for
arrears

- (10) When it appears from the entries in the book kept by the sheriff that any school rate is in arrear for three years from the 31st day of December in the year in which the rate became payable, the sheriff shall proceed to collect such rate by the sale of the lands assessed, and the procedure in relation to such sale and the provisions applicable to purchase by the municipality and to the redemption of lands thereafter and to deeds to be given by the sheriff to tax purchasers shall be the same as nearly as may be as in the case of the sale of lands for arrears of taxes in organized municipalities, and the board may in such cases exercise the power of purchase conferred upon a municipality.

R.S.O. 1960,
c. 368, s. 22,
subs. 1,
amended

2. Subsection 1 of section 22 of *The Separate Schools Act* is amended by adding after clause *b* "provided that the cost of transportation of pupils and the legislative grant paid thereon shall not enter into the determination of gross cost or net cost per pupil per day for the purposes of charging a fee unless the transportation was provided by the board for and used by the pupil on whose behalf the fee is to be paid", so that the subsection shall read as follows:

Determina-
tion of gross
and net cost

- (1) In this section,

- (a) "gross cost per pupil per day" shall be determined by dividing the cost of operation of day schools of the board for the preceding year by the actual aggregate attendance for that year;

- (b) "net cost per pupil per day" shall be determined by subtracting the legislative grant received by the board, except the grant on fees paid to another board and on the cost of night school, from the cost of operation of day schools of the board for the preceding year and dividing the remainder by the actual aggregate attendance for that year;

provided that the cost of transportation of pupils and the legislative grant paid thereon shall not enter into the determination of gross cost or net cost per pupil per day for the purposes of charging a fee unless the transportation was provided by the board for and used by the pupil on whose behalf the fee is to be paid.

3. Subsection 2 of section 32 of *The Separate Schools Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 368, s. 32,
subs. 2,
re-enacted

- (2) The trustees of a union separate school are a corporation by the name of "The Board of the Combined Roman Catholic Separate Schools of"
..... (inserting alphabetically the names of the municipalities in which the separate schools of the board are located and, where there are two or more unions in the same municipality, adding a number assigned by the inspector).

Corporate
name

4. Sections 35 and 36 of *The Separate Schools Act* are repealed and the following substituted therefor:

R.S.O. 1960,
c. 368,
ss. 35, 36,
re-enacted

- 35.—(1) Except as provided in section 36, the trustees of an urban separate school board shall be elected by general vote for a term of two years with one-half of the trustees retiring each year.

Election of
trustees
in urban
municipalities by
general vote

- (2) The number of the trustees on the urban separate school board shall be determined by the population of the municipality as shown on the assessment roll for the year preceding the year in which the election is held, as follows, where the population was,

Number of
trustees

- (a) less than 10,000, six trustees;
- (b) 10,000 or more but less than 50,000, eight trustees;
- (c) 50,000 or more but less than 100,000, ten trustees;
- (d) 100,000 or more, twelve trustees.

Change in
number of
trustees

- (3) Where it becomes evident from the assessment roll of a municipality that the number of trustees on an urban separate school board should be increased or decreased, at the next election of trustees the proper number of trustees shall be elected, and the trustees then in office shall continue in office until the new board is elected.

Urban
municipality
divided
into wards

- 36.—(1) An urban separate school board for an urban municipality that is divided into wards may, in the manner provided in section 36a, be changed to a board comprising two trustees for each ward, one of whom shall retire each year, elected by the separate school supporters of that ward.

Where five
or more
wards

- (2) An urban separate school board for an urban municipality that is divided into five or more wards may, in the manner provided in section 36a, be changed to a board comprising one trustee from each ward elected by the separate school supporters of that ward for a period of two years.

Change from
election by
wards to
general vote

- (3) An urban separate school board for an urban municipality that is divided into wards may, in the manner provided in section 36a, be changed to a board elected in the manner provided in section 35.

Method of
changing
composition
and election
of board

- 36a.—(1) The composition and election of an urban separate school board for an urban municipality that is divided into wards may be changed from the composition and election mentioned in subsection 1 or 2 of section 36 to that provided in either of such subsections, provided that the resolution of the board for a change has been submitted to, and has received an affirmative vote of, a majority of the supporters of the separate schools of the urban municipality who voted on the resolution.

Election
of new
board after
change

- (2) At the election following an affirmative vote of a majority of the separate school supporters who voted on the resolution, the proper number of trustees shall be elected, and the trustees then in office shall continue in office until the new board is elected.

Limitation
on changing
method of
election

- (3) A change in the method of election of an urban separate school board may not be made unless the board has been elected in its present form for a period of four years.

Determina-
tion of
retirement
of trustees

- 36b. At the first election of the trustees of an urban separate school board and at the first election of

trustees held after a change in the composition of the board, where one-half of the trustees of the board are to retire at the end of the first year,

- (a) in the case of an election by general vote, the elected trustees who received the lowest number of votes shall retire at the end of the first year; and
- (b) in the case of an election by wards, the elected trustee who received the lowest number of votes in each ward shall retire at the end of the first year,

and, in the case of a tie vote or of an acclamation, the order of retirement shall be determined by lot at the first meeting of the board and recorded in the minutes of the meeting.

36c. A trustee of an urban separate school board may resign by giving written notice of his resignation to the secretary. Resignation
of trustees

5. Section 46 of *The Separate Schools Act* is amended by adding thereto the following subsections: R.S.O. 1960,
c. 368, s. 46,
amended

- (3) Subject to subsection 5, where a vacancy occurs from any cause in an urban separate school board or a union separate school board and the remaining trustees constitute a majority of the membership of the board, a majority of the remaining trustees shall, at the first regular meeting after the vacancy occurs, elect some qualified person to fill the vacancy and the person so elected shall hold office for the remainder of the term for which his predecessor was elected, and in the case of an equality of votes the chairman of the meeting has a second or casting vote. Vacancies
in urban
boards and
union
boards
- (4) Subject to subsection 5, where a vacancy occurs from any cause in an urban separate school board or a union separate school board and the remaining trustees do not constitute a majority of the membership of the board, a new election shall be held to fill the vacancies, and every member so elected shall hold office for the remainder of the term for which his predecessor was elected, and, where at any such election any vacancy is for a longer term than the remaining vacancy or vacancies, the candidate having the largest number of votes at the election Idem

shall fill the vacancy for the longer term, and in the case of a tie the secretary of the board shall determine the order of retirement by lot.

Idem

- (5) In the case of an urban separate school board or a union separate school board,
- (a) any vacancy that occurs within one month before the next ensuing election shall not be filled in the manner provided by subsection 3 or 4, but the office shall remain vacant until the election, and, if the term of the vacant office then expires, a new trustee shall be elected or, if the term does not then expire, some duly qualified person shall be elected at the election to fill the vacancy for the remainder of the term;
 - (b) any vacancy that occurs after the election but before the new board is organized shall be filled immediately after the new board is organized in the manner provided in subsection 3 or 4, as the case may be;
 - (c) where there are a number of vacancies and the vacancies are for terms of different lengths, the vacancies for the longer terms shall be filled by the candidates having the most votes;
 - (d) where the number of candidates who are nominated is the same as the number of vacancies, and the terms differ, the secretary of the board shall determine the order of retirement by lot.

R.S.O. 1960,
c. 368,
amended

6. *The Separate Schools Act* is amended by adding thereto the following section:

Levy for
transporta-
tion costs
of high
school
pupils not
resident in
high school
district

- 59a. Where some of the supporters of a separate school reside in a municipality and in a high school district and other supporters of the separate school reside in another municipality and not in a high school district, and the high school board or board of education is furnishing transportation for its resident secondary school pupils, the separate school board may furnish transportation for secondary school pupils whose parents or guardians are separate school supporters who do not reside in the high school district and may levy the cost of the transportation

for the preceding year, less the legislative grant paid thereon, on the supporters who do not reside in the high school district.

7.—(1) This Act, except subsection 2 of section 1 and sections 2 and 6, comes into force on the day it receives Royal Assent. <sup>Commence-
ment</sup>

(2) Section 2 shall be deemed to have come into force on Idem the 1st day of January, 1961.

(3) Subsection 2 of section 1 and section 6 come into force Idem on the 1st day of January, 1962.

8. This Act may be cited as *The Separate Schools Amendment Act, 1960-61*. ^{Short title}

An Act to amend
The Separate Schools Act

1st Reading

February 28th, 1961

2nd Reading

March 6th, 1961

3rd Reading

March 16th, 1961

MR. ROBARTS

BILL 95

2ND SESSION, 26TH LEGISLATURE, ONTARIO
9-10 ELIZABETH II, 1960-61

**An Act respecting the Northern Boundary of Lot D,
East of the Cataraqui River in the Township
of Pittsburgh, formerly in the Township
of Kingston**

MR. SPOONER

EXPLANATORY NOTE

The purpose of this Act is to remove doubt as to the location of the northern boundary of the lot mentioned.

BILL 95

1960-61

**An Act respecting the Northern Boundary of
Lot D, East of the Cataraqui River in the
Township of Pittsburgh, formerly in
the Township of Kingston**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. It is hereby declared that,

- (a) the northern boundary of Lot D, east of the Cataraqui River in the Township of Pittsburgh, formerly in the Township of Kingston, in the County of Frontenac, is and always has been that part of the southern boundary of the Township of Kingston, as it existed in 1831, lying between the eastern bank of the Cataraqui River and the southeastern corner of the Township of Kingston as re-surveyed by Publius V. Elmore, D.P.S., in the year 1831 and as shown on his plan dated in the year 1831 and in the field notes thereof and which plan is recorded in the office of the Surveyor General at Toronto as No. B17; Northern boundary Lot D, east of Cataraqui River, Township of Pittsburgh
- (b) the original road allowance adjoining the front of the fourth concession of the Township of Kingston does not and never did extend easterly of the Cataraqui River; and Road allowance
- (c) the northern boundary of the lands granted to Mary Crawford by letters patent dated the 24th day of May, 1798, is and always has been the northern boundary mentioned in clause a. Letters patent

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. This Act may be cited as *The Pittsburgh Township Boundary Act, 1960-61*. Short title

An Act respecting the Northern Boundary
of Lot D, East of the Cataragui River in
the Township of Pittsburgh, formerly in
the Township of Kingston

1st Reading

March 1st, 1961

2nd Reading

3rd Reading

MR. SPOONER

BILL 95

**2ND SESSION, 26TH LEGISLATURE, ONTARIO
9-10 ELIZABETH II, 1960-61**

**An Act respecting the Northern Boundary of Lot D,
East of the Cataraqui River in the Township
of Pittsburgh, formerly in the Township
of Kingston**

MR. SPOONER

BILL 95

1960-61

**An Act respecting the Northern Boundary of
Lot D, East of the Cataraqui River in the
Township of Pittsburgh, formerly in
the Township of Kingston**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. It is hereby declared that,

- (a) the northern boundary of Lot D, east of the Cataraqui River in the Township of Pittsburgh, formerly in the Township of Kingston, in the County of Frontenac, is and always has been that part of the southern boundary of the Township of Kingston, as it existed in 1831, lying between the eastern bank of the Cataraqui River and the southeastern corner of the Township of Kingston as re-surveyed by Publius V. Elmore, D.P.S., in the year 1831 and as shown on his plan dated in the year 1831 and in the field notes thereof and which plan is recorded in the office of the Surveyor General at Toronto as No. B17; Northern boundary Lot D, east of Cataraqui River, Township of Pittsburgh
- (b) the original road allowance adjoining the front of the fourth concession of the Township of Kingston does not and never did extend easterly of the Cataraqui River; and Road allowance
- (c) the northern boundary of the lands granted to Mary Crawford by letters patent dated the 24th day of May, 1798, is and always has been the northern boundary mentioned in clause a. Letters patent

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. This Act may be cited as *The Pittsburgh Township Boundary Act, 1960-61*. Short title

An Act respecting the Northern Boundary
of Lot D, East of the Cataragui River in
the Township of Pittsburgh, formerly in
the Township of Kingston

1st Reading

March 1st, 1961

2nd Reading

March 6th, 1961

3rd Reading

March 9th, 1961

MR. SPOONER

BILL 96

2ND SESSION, 26TH LEGISLATURE, ONTARIO
9-10 ELIZABETH II, 1960-61

An Act to amend The Dental Technicians Act

MR. DYMOND

EXPLANATORY NOTES

SECTION 1. In order that the experience of the immediate past chairman of the governing Board may be available to the Board, he is continued as a member *ex officio* of the Board for a period of one year.

SECTION 2—Subsections 1 and 2. These amendments delete the maximum fee payable on registration and renewal of registration, leaving the amounts of these fees to be fixed by the regulations.

Subsection 3. The clause as re-enacted will enable the Board to recover all or part of the expense incurred by it in dealing with cases of professional misconduct and incompetency.

BILL 96

1960-61

An Act to amend The Dental Technicians Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2 of *The Dental Technicians Act* is amended by adding thereto the following subsection: R.S.O. 1960,
c. 90, s. 2,
amended

- (5) In addition to the five members of the Board mentioned in subsection 1, the immediate past chairman of the Board is a member *ex officio* of the Board for a period of one year immediately following his term of office as chairman. Member
ex officio

2.—(1) Clause *a* of subsection 1 of section 3 of *The Dental Technicians Act* is amended by striking out “not exceeding \$25 for each person registered” in the fourth and fifth lines, so that the clause shall read as follows: R.S.O. 1960,
c. 90, s. 3,
subs. 1, cl. *a*,
amended

- (a) providing for the admission of dental technicians to carry on business in Ontario and for the registration of all persons so admitted, including the fees payable for registration.

(2) Clause *c* of subsection 1 of the said section 3 is amended by striking out “not exceeding \$25 annually for each person registered” in the fourth and fifth lines, so that the clause shall read as follows: R.S.O. 1960,
c. 90, s. 3,
subs. 1, cl. *c*,
amended

- (c) providing for maintaining a register of persons so admitted to carry on business and providing for the annual renewal of registration and prescribing the fees payable thereon.

(3) Clause *f* of subsection 1 of the said section 3 is repealed and the following substituted therefor: R.S.O. 1960,
c. 90, s. 3,
subs. 1, cl. *f*,
re-enacted

- (f) providing for the cancellation or suspension of the registration of any person found by the Board to be guilty of misconduct or to have been incompetent, and, in addition to or as an alternative for such cancellation or suspension, providing for the assessment against and the recovery from any such dental technician of the expense, or part of the expense, incurred by the Board in the investigation and hearing conducted by the Board with respect to such misconduct or incompetence.

R.S.O. 1960,
c. 90, s. 4,
subs. 1,
amended

3. Subsection 1 of section 4 of *The Dental Technicians Act* is amended by inserting after “ ‘Registered Dental Technician’ ” in the second line “or the letters ‘R.D.T.’ ”, so that the subsection shall read as follows:

Designation

- (1) A person registered under this Act has the right to use the designation “Registered Dental Technician” or the letters “R.D.T.” and may describe his business as a dental laboratory.

R.S.O. 1960,
c. 90, s. 6,
re-enacted

4.—(1) Section 6 of *The Dental Technicians Act* is repealed and the following substituted therefor:

Interpre-
tation

- 6.—(1) In this section, “dentists in association” means dentists practising together in the same suite of offices in the same building and sharing the expenses of their practices.

When un-
registered
persons not
affected

- (2) Nothing in this Act or the regulations shall be deemed to prohibit,

R.S.O. 1960,
c. 91

- (a) a dentist within the meaning of *The Dentistry Act*;

R.S.O. 1960,
c. 234

- (b) a physician within the meaning of *The Medical Act*;

- (c) a hospital dispensary, university or municipal clinic acting upon the prescription or order of a legally qualified dentist or physician;

- (d) apprenticed dental technicians and other persons working as employees of a registered dental technician; or

- (e) a person who is not a dental technician and who is a full-time employee of one dentist or of not more than three dentists in association where no dental laboratory services are furnished by the dentist or dentists in association or the employee,

SECTION 3. The effect of this amendment is to confine the use of the designation "R.D.T." to registered dental technicians.

SECTION 4. The section is re-enacted in order to further restrict the circumstances under which unregistered persons may be employed as dental technicians. Persons presently employed are not affected.

SECTION 5. The requirements as to corporations that operate dental laboratories are strengthened in order to ensure proper control of their operations.

SECTION 6. Section 9 of the Act is re-enacted to bring it into line with the Act as amended by section 3 of this Bill and to increase the fines for carrying on business as a dental technician, etc., contrary to the Act.

Section 10, as re-enacted, is designed to expedite proof of formal matters in prosecutions under the Act.

Section 11 provides for the payment over to the Board of fines imposed for contraventions of the Act. These will compensate the Board in part for the expense of investigation and prosecution.

from performing work or services ordinarily performed by a dental technician.

(2) Clause *e* of subsection 2 of section 6 of *The Dental Technicians Act*, as re-enacted by subsection 1, does not apply to any person who is employed as a dental technician in a lawful manner when this section is proclaimed in force so long as he remains in such employment. Where s. 6, subs. 2, cl. e, does not apply

5. Section 7 of *The Dental Technicians Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 90, s. 7, re-enacted

7.—(1) No corporation shall operate a dental laboratory, Corporations

(a) unless the majority of the directors are registered dental technicians;

(b) unless a majority of each class of shares of the corporation is owned by and registered in the names of registered dental technicians; and

(c) unless a registered dental technician is at all times in charge of the actual operations of the laboratory.

(2) Every registered dental technician on the board of directors of a corporation that operates a dental laboratory and the registered dental technician in charge of the actual operations of the laboratory shall be deemed guilty of any contravention of this Act by the corporation. Offences

6. Sections 9 and 10 of *The Dental Technicians Act* are repealed and the following substituted therefor: R.S.O. 1960, c. 90, ss. 9, 10, re-enacted

9. Every person who, not being registered under this Act, carries on business or holds himself out as carrying on business as a dental technician, or who advertises or uses or affixes any prefix or suffix to his name signifying that he is carrying on business as a dental technician or that he is qualified to carry on business as a dental technician, is guilty of an offence and on summary conviction is liable to a fine of \$100 for a first offence, \$200 for a second offence, and \$300 for a third or subsequent offence. Offences

10. In all cases where proof of registration under this Act is required to be made, the production of a certificate under the hand of the secretary-treasurer Proof of registration

of the Board is sufficient evidence of the registration or non-registration of the person or persons named therein in lieu of the production of the original register, and any such certificate purporting to be signed by a person in his capacity of secretary-treasurer of the Board is *prima facie* evidence of his signature and election.

Disposition
of fines

11. Any fine imposed for a contravention of this Act shall be paid over by the convicting magistrate to the Board.

Commence-
ment

7. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

8. This Act may be cited as *The Dental Technicians Amendment Act, 1960-61*.



The Dental Technicians Act

1st Reading

March 1st, 1961

2nd Reading

3rd Reading

MR. DYMOND

BILL 96

2ND SESSION, 26TH LEGISLATURE, ONTARIO
9-10 ELIZABETH II, 1960-61

An Act to amend The Dental Technicians Act

MR. DYMOND

BILL 96

1960-61

An Act to amend The Dental Technicians Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2 of *The Dental Technicians Act* is amended by adding thereto the following subsection: R.S.O. 1960,
c. 90, s. 2,
amended

- (5) In addition to the five members of the Board mentioned in subsection 1, the immediate past chairman of the Board is a member *ex officio* of the Board for a period of one year immediately following his term of office as chairman. Member
ex officio

2.—(1) Clause *a* of subsection 1 of section 3 of *The Dental Technicians Act* is amended by striking out “not exceeding \$25 for each person registered” in the fourth and fifth lines, so that the clause shall read as follows: R.S.O. 1960,
c. 90, s. 3,
subs. 1, cl. *a*,
amended

- (a) providing for the admission of dental technicians to carry on business in Ontario and for the registration of all persons so admitted, including the fees payable for registration.

(2) Clause *c* of subsection 1 of the said section 3 is amended by striking out “not exceeding \$25 annually for each person registered” in the fourth and fifth lines, so that the clause shall read as follows: R.S.O. 1960,
c. 90, s. 3,
subs. 1, cl. *c*,
amended

- (c) providing for maintaining a register of persons so admitted to carry on business and providing for the annual renewal of registration and prescribing the fees payable thereon.

(3) Clause *f* of subsection 1 of the said section 3 is repealed and the following substituted therefor: R.S.O. 1960,
c. 90, s. 3,
subs. 1, cl. *f*,
re-enacted

- (f) providing for the cancellation or suspension of the registration of any person found by the Board to be guilty of misconduct or to have been incompetent, and, in addition to or as an alternative for such cancellation or suspension, providing for the assessment against and the recovery from any such dental technician of the expense, or part of the expense, incurred by the Board in the investigation and hearing conducted by the Board with respect to such misconduct or incompetence.

R.S.O. 1960,
c. 90, s. 4,
subs. 1,
amended

3. Subsection 1 of section 4 of *The Dental Technicians Act* is amended by inserting after " 'Registered Dental Technician' " in the second line "or the letters 'R.D.T.' ", so that the subsection shall read as follows:

Designation

- (1) A person registered under this Act has the right to use the designation "Registered Dental Technician" or the letters "R.D.T." and may describe his business as a dental laboratory.

R.S.O. 1960,
c. 90, s. 6,
re-enacted

4.—(1) Section 6 of *The Dental Technicians Act* is repealed and the following substituted therefor:

Interpre-
tation

- 6.—(1) In this section, "dentists in association" means dentists practising together in the same suite of offices in the same building and sharing the expenses of their practices.

When un-
registered
persons not
affected

- (2) Nothing in this Act or the regulations shall be deemed to prohibit,

R.S.O. 1960,
c. 91

- (a) a dentist within the meaning of *The Dentistry Act*;

R.S.O. 1960,
c. 234

- (b) a physician within the meaning of *The Medical Act*;

- (c) a hospital dispensary, university or municipal clinic acting upon the prescription or order of a legally qualified dentist or physician;

- (d) apprenticed dental technicians and other persons working as employees of a registered dental technician; or

- (e) a person who is not a dental technician and who is a full-time employee of one dentist or of not more than three dentists in association where no dental laboratory services are furnished by the dentist or dentists in association or the employee,

from performing work or services ordinarily performed by a dental technician.

(2) Clause *e* of subsection 2 of section 6 of *The Dental Technicians Act*, as re-enacted by subsection 1, does not apply to any person who is employed as a dental technician in a lawful manner when this section is proclaimed in force so long as he remains in such employment. Where s. 6, subs. 2, cl. e, does not apply

5. Section 7 of *The Dental Technicians Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 90, s. 7, re-enacted

7.—(1) No corporation shall operate a dental laboratory, Corporations

(a) unless the majority of the directors are registered dental technicians;

(b) unless a majority of each class of shares of the corporation is owned by and registered in the names of registered dental technicians; and

(c) unless a registered dental technician is at all times in charge of the actual operations of the laboratory.

(2) Every registered dental technician on the board of directors of a corporation that operates a dental laboratory and the registered dental technician in charge of the actual operations of the laboratory shall be deemed guilty of any contravention of this Act by the corporation. Offences

6. Sections 9 and 10 of *The Dental Technicians Act* are repealed and the following substituted therefor: R.S.O. 1960, c. 90, ss. 9, 10, re-enacted

9. Every person who, not being registered under this Act, carries on business or holds himself out as carrying on business as a dental technician, or who advertises or uses or affixes any prefix or suffix to his name signifying that he is carrying on business as a dental technician or that he is qualified to carry on business as a dental technician, is guilty of an offence and on summary conviction is liable to a fine of \$100 for a first offence, \$200 for a second offence, and \$300 for a third or subsequent offence. Offences

10. In all cases where proof of registration under this Act is required to be made, the production of a certificate under the hand of the secretary-treasurer Proof of registration

of the Board is sufficient evidence of the registration or non-registration of the person or persons named therein in lieu of the production of the original register, and any such certificate purporting to be signed by a person in his capacity of secretary-treasurer of the Board is *prima facie* evidence of his signature and election.

Disposition
of fines

11. Any fine imposed for a contravention of this Act shall be paid over by the convicting magistrate to the Board.

Commence-
ment

7. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

8. This Act may be cited as *The Dental Technicians Amendment Act, 1960-61*.

An Act to amend
The Dental Technicians Act

1st Reading

March 1st, 1961

2nd Reading

March 6th, 1961

3rd Reading

March 29th, 1961

MR. DYMOND

BILL 97

2ND SESSION, 26TH LEGISLATURE, ONTARIO
9-10 ELIZABETH II, 1960-61

An Act to amend The Farm Products Marketing Act

MR. MACDONALD

EXPLANATORY NOTES

The purpose of this Bill is to restore the principle of producer control of local boards and marketing agencies by removing the powers of the Farm Products Marketing Board or the Lieutenant Governor in Council to intervene in their day-to-day operations as long as they are conforming with the regulations laid down for their general direction.

SECTION 1. Self-explanatory.

SECTION 2—Subsections 1 and 2. These amendments remove the power of the Lieutenant Governor in Council to establish, amend or revoke a plan without a plebiscite or its equivalent.

BILL 97

1960-61

An Act to amend The Farm Products Marketing Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2 of *The Farm Products Marketing Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 137, s. 2,
re-enacted

2. The purpose and intent of this Act is to provide for the control by producers of the marketing within the Province of their farm products in accordance with the regulations, including the prohibition of such marketing in whole or in part. Purpose
of Act

2.—(1) Subsection 1 of section 6 of *The Farm Products Marketing Act* is amended by striking out "Notwithstanding section 5" in the first line, so that the subsection, exclusive of the clauses, shall read as follows: R.S.O. 1960,
c. 137, s. 6,
subs. 1,
amended

(1) The Lieutenant Governor in Council may make regulations, Regulations
re plans
and local
boards

.

(2) Clause *a* of subsection 1 of the said section 6 is amended by adding at the end thereof "pursuant to a plebiscite, or without a plebiscite where the producers have been voluntarily operating a marketing agency in connection with which the views of the majority of the producers are made apparent in a manner equivalent to a plebiscite", so that the clause shall read as follows: R.S.O. 1960,
c. 137, s. 6,
subs. 1,
cl. *a*,
amended

(a) establishing, amending and revoking plans for control and regulation of the marketing within Ontario or any part thereof of any farm product and constituting local boards to administer such plans pursuant to a plebiscite, or without a plebiscite where the producers have been voluntarily operating a marketing agency in connection with which the

views of the majority of the producers are made apparent in a manner equivalent to a plebiscite.

R.S.O. 1960,
c. 137, s. 6,
subs. 1,
cl. *e*,
amended

(3) Clause *e* of subsection 1 of the said section 6 is amended by inserting after "affairs" in the second line "where the regulations do not meet the particular circumstances or needs of a local board", so that the clause shall read as follows:

- (*e*) prescribing by-laws for regulating the government of local boards and the conduct of their affairs where the regulations do not meet the particular circumstances or needs of a local board, but any local board may make by-laws not inconsistent with this Act, the regulations made under this clause or the regulations made under the plan under which the local board is established as amended from time to time.

R.S.O. 1960,
c. 137, s. 6,
subs. 1, cl. *f*,
re-enacted;
cl. *g*,
repealed

(4) Clauses *f* and *g* of subsection 1 of the said section 6 are repealed and the following substituted therefor:

- (*f*) dissolving a local board where the local board has become inactive or where it is not feasible to hold a plebiscite to establish the desires of the producers, on such terms as he deems proper.

R.S.O. 1960,
c. 137, s. 6,
amended

(5) The said section 6 is amended by adding thereto the following subsections:

Regulations
for dis-
solution of
local board
or marketing
agency

- (1*a*) Notwithstanding any other Act, where an existing plan has been revoked as a result of a plebiscite held under subsection 3 or 4 of section 5, the Lieutenant Governor in Council may make regulations providing for,

- (*a*) the carrying out by the Board or a trustee of any or all of the powers of a local board or marketing agency;
- (*b*) the vesting of the assets of a local board or marketing agency in the Board or a trustee;
- (*c*) the disposing of any or all of the assets of a local board or marketing agency in such manner as is prescribed,

and, where any regulation made under this subsection is in conflict with any by-law of the local board or marketing agency, the regulation prevails.

Subsection 3. This amendment limits the power of the Lieutenant Governor in Council to prescribe by-laws for local boards to only those matters that require special treatment.

Subsection 4. The subject matter of the present clause *f*, which is repealed, is dealt with in the new subsection 1*a*. The present clause *g* limits the power to dissolve a local board to only those cases where the board has become inactive or it is not feasible to hold a plebiscite. It is replaced by the proposed clause *f*.

Subsection 5. The two new subsections replace clause *f* of subsection 1 of section 6 of the Act and limit the power to take over or wind up a local board or marketing agency to only those cases where a plebiscite is held and the plan rejected and where no new plan is approved or proposed.

SECTION 3. The paragraph repealed authorizes the Farm Products Marketing Board to make regulations requiring its approval for grants made by local boards.

SECTION 4—Subsection 1. Clause *a* of subsection 5 of section 9 of the Act is moved to subsection 3 of section 9 where its subject matter is more appropriate.

Subsection 2. The subsections repealed authorize the Farm Products Marketing Board to control the fixing of service charges by local boards and to control the scope of activity and objectives of local boards.

SECTION 5. This section confirms the Board's right to limit or revoke the powers of a local board, but removes the Board's power to interfere in the day-to-day exercise of those powers.

- (1b) Where an existing plan has been revoked as a result of a plebiscite held under subsection 3 or 4 of section 5 and there is reason to believe that the producers wish to establish another plan, no assets shall be disposed of under regulations made under clause *c* of subsection 1*a*, and any regulations made under clause *a* or *b* of subsection 1*a* are revoked upon the approval of another plan by plebiscite of the producers.
- Restriction on regulations where new plan proposed

3. Paragraph 14 of subsection 1 of section 8 of *The Farm Products Marketing Act* is repealed.

R.S.O. 1960, c. 137, s. 8, subs. 1, par. 14, repealed

4.—(1) Subsection 3 of section 9 of *The Farm Products Marketing Act* is amended by striking out “and” at the end of clause *e*, by adding “and” at the end of clause *f* and by adding thereto the following clause:

R.S.O. 1960, c. 137, s. 9, subs. 3, amended

- (g) any proposed changes in the purposes of the plan at least ten days before the proposed changes become effective.

(2) Subsections 4 and 5 of the said section 9 are repealed.

R.S.O. 1960, c. 137, s. 9, subs. 4, 5, repealed

5. Section 10 of *The Farm Products Marketing Act* is amended by striking out clauses *a* and *b* and inserting in lieu thereof “limit or remove the powers previously delegated to or vested in a local board or marketing agency”, so that the section shall read as follows:

R.S.O. 1960, c. 137, s. 10, amended

10. Where the Board delegates to a local board any of its powers or vests in a marketing agency powers to promote, regulate and control the marketing of a regulated product, the Board may, at any time, limit or remove the powers previously delegated to or vested in a local board or marketing agency.
- Limitation of powers of local board

6. This Act comes into force on the day it receives Royal Assent.

Commencement

7. This Act may be cited as *The Farm Products Marketing Amendment Act, 1960-61*.

Short title

An Act to amend
The Farm Products Marketing Act

1st Reading

March 1st, 1961

2nd Reading

3rd Reading

MR. MACDONALD

BILL 98

2ND SESSION, 26TH LEGISLATURE, ONTARIO
9-10 ELIZABETH II, 1960-61

An Act respecting the Fluoridation of Public Water Supplies

MR. DYMOND

EXPLANATORY NOTE

The purpose of this new Act is to provide procedures for the establishment and discontinuance of fluoridation systems in connection with public waterworks.

Bill 99, *An Act to amend The Public Health Act*, repeals the existing statutory provisions on this subject.

BILL 98

1960-61

An Act respecting the Fluoridation of Public Water Supplies

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Chief Election Officer" means the Chief Election Officer appointed under *The Election Act*; R.S.O. 1960,
c. 118
- (b) "electors" means electors as defined in *The Municipal Act* and, in a municipality that has a resident voters' list under *The Municipal Franchise Extension Act*, includes the persons on such list; R.S.O. 1960,
cc. 249, 254
- (c) "fluoridation system" means a system comprising equipment and materials for the addition of a chemical compound to release fluoride ions into a public water supply.

2.—(1) Where a local municipality or a local board thereof owns or operates a waterworks system, the council of the municipality may by by-law establish, maintain and operate, or require the local board to establish, maintain and operate, a fluoridation system in connection with the waterworks system. Establish-
ment of
system

(2) The council may before passing a by-law under sub-section 1 submit the following question to the electors of the municipality: Vote as to
establish-
ment of
system

Are you in favour of the fluoridation of the public water supply of this municipality?

and, where the question receives the affirmative vote of a majority of the electors who vote on the question, the council shall pass the by-law, or, where the question does not receive the affirmative vote of a majority of the electors who vote on

the question, the council shall not pass the by-law until the question has again been submitted to the electors of the municipality and it has received the affirmative vote of a majority of the electors who vote on it.

Discon-
tinuance of
system

3.—(1) Where a local municipality or a local board thereof has a fluoridation system in connection with its waterworks system, the council of the municipality may by by-law discontinue, or require the local board to discontinue, the fluoridation system.

Vote as to
discon-
tinuance of
system

(2) The council may before passing a by-law under subsection 1 submit the following question to the electors of the municipality:

Are you in favour of the discontinuance of the fluoridation of the public water supply of this municipality?

and, where the question receives the affirmative vote of a majority of the electors who vote on the question, the council shall pass the by-law, or, where the question does not receive the affirmative vote of a majority of the electors who vote on the question, the council shall not pass the by-law until the question has again been submitted to the electors of the municipality and it has received the affirmative vote of a majority of the electors who vote on it.

When
question
may be
submitted

4.—(1) The council may submit a question under this Act to the electors at any time.

Petition

(2) Upon the presentation of a petition requesting that a question under this Act be submitted to the electors, signed by at least 10 per cent of the electors in the municipality, the council shall before or at the next municipal election submit the question to the electors, but, if a petition is presented in the month of November or December in any year, it shall be deemed to be presented in the month of February next following.

Idem

(3) A petition mentioned in subsection 2 shall be deemed to be presented when it is lodged with the clerk of the municipality, and the sufficiency of the petition shall be determined by him and his certificate as to its sufficiency is conclusive for all purposes.

Joint water-
works, esta-
blishment
of system

5.—(1) Where a waterworks system is operated by or for two or more local municipalities, the body operating the waterworks system shall establish, maintain and operate a fluoridation system in connection therewith,

- (a) where there are two such municipalities, only after the councils of both such municipalities have passed a by-law requiring the fluoridation of the water supply of their respective municipalities; or
- (b) where there are more than two such municipalities, only after the councils of a majority of such municipalities have passed a by-law requiring the fluoridation of the water supply of their respective municipalities.

(2) A fluoridation system established under subsection 1 ^{Idem, discontinuance} shall be discontinued where the councils of both municipalities or of a majority of the municipalities, as the case may be, have passed by-laws requiring the discontinuance of the fluoridation system in their respective municipalities.

(3) Where petitions signed by at least 10 per cent of the electors in each such municipality, where there are two such municipalities, or in each of a majority of such municipalities, where there are more than two, are presented to the Chief Election Officer requesting that a question under this Act be submitted in both or all of such municipalities, as the case may be, each of the municipalities by or for which the water-works system is operated shall submit the question to its electors on a date to be fixed by the Chief Election Officer, and the clerk of each such municipality shall certify the result of the vote in his municipality to the Chief Election Officer. ^{Vote on question upon petition}

(4) If a majority of the votes cast in both or all of such municipalities, as the case may be, on the question set out in section 2 is in the affirmative, each such municipality shall pass a by-law under subsection 1, or, if a majority of the votes cast in both or all of such municipalities, as the case may be, is in the negative, no by-law under subsection 1 shall be passed until the question has again been submitted to and has received the affirmative vote of a majority of the electors who vote on it. ^{Result of vote, establishment}

(5) If a majority of the votes cast in both or all of such municipalities, as the case may be, on the question set out in section 3 is in the affirmative, the council of each such municipality shall pass a by-law requiring the discontinuance of the fluoridation system in its municipality. ^{Idem, discontinuance}

6.—(1) The council of any local municipality that obtains its water supply under an agreement with a company public utility may pass a by-law requiring the fluoridation of the water supply, and thereupon the company shall establish, maintain and operate a fluoridation system in connection with the water supply of the municipality on such terms and ^{Company public utilities}

R.S.O. 1960,
c. 18 conditions as the council of the municipality and the company agree upon or, failing agreement, as are determined by arbitration under *The Arbitrations Act*.

Idem, dis-
continuance (2) Any fluoridation system established under subsection 1 shall be discontinued where the council of the municipality has passed a by-law requiring its discontinuance, and the terms and conditions of the discontinuance may be agreed upon by the council of the municipality and the company or, failing agreement, may be determined by arbitration under *The Arbitrations Act*.

R.S.O. 1960,
c. 18
Metropolitan
Toronto 7.—(1) In this section, the expressions "area municipality" and "Metropolitan Corporation" have the same meanings as in *The Municipality of Metropolitan Toronto Act*.

R.S.O. 1960,
c. 260
Establish-
ment and
discon-
tinuance of
system (2) The council of the Metropolitan Corporation may by by-law establish, maintain and operate or discontinue a fluoridation system in connection with the Metropolitan waterworks system.

Vote on
question (3) The council of the Metropolitan Corporation may fix a day for the submission of a question under this Act to the electors, in which event the area municipalities shall submit the question to their respective electors accordingly, and the clerk of each area municipality shall forthwith certify the result of the vote in his area municipality to the clerk of the Metropolitan Corporation.

Idem, upon
petition (4) Where petitions signed by at least 10 per cent of the electors in each of a majority of the area municipalities, certified by the clerks of the respective area municipalities, are presented to the Metropolitan Corporation requesting that a question under this Act be submitted under subsection 3, the council of the Metropolitan Corporation shall fix a day for the submission of the question under subsection 3.

Establish-
ment after
vote (5) If a majority of the votes cast in all of the area municipalities on the question set out in section 2 is in the affirmative, the Metropolitan Corporation shall pass a by-law under subsection 2, or, if a majority of the votes cast in all of the area municipalities is in the negative, a by-law under subsection 2 shall not be passed until the question has again been submitted and has received the affirmative vote of a majority of the electors who vote on it.

Discon-
tinuance
after vote (6) If a majority of the votes cast in all of the area municipalities on the question set out in section 3 is in the affirmative,

the council of the Metropolitan Corporation shall pass a by-law discontinuing the fluoridation system in connection with the Metropolitan waterworks system.

8. Every fluoridation system that is being operated under the authority of *The Public Health Act* when this Act comes into force shall be deemed to have been established and to be maintained and operated under the authority of this Act. ^{Existing systems R.S.O. 1960, c. 321}

9.—(1) The Lieutenant Governor in Council may make Regulations regulations,

- (a) governing and regulating the equipment and processes that may be used in fluoridation systems;
- (b) prescribing the nature and amount of the chemical compounds that may be used in fluoridation systems;
- (c) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

(2) Any such regulation may be general or particular in its application. ^{Idem}

10. This Act comes into force on the day it receives Royal Assent. ^{Commencement}

11. This Act may be cited as *The Fluoridation Act, 1960-61*. Short title

An Act respecting the Fluoridation
of Public Water Supplies

1st Reading

March 2nd, 1961

2nd Reading

3rd Reading

MR. DYMOND

BILL 98

2ND SESSION, 26TH LEGISLATURE, ONTARIO
9-10 ELIZABETH II, 1960-61

An Act respecting the Fluoridation of Public Water Supplies

MR. DYMOND

BILL 98

1960-61

An Act respecting the Fluoridation of Public Water Supplies

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Chief Election Officer" means the Chief Election Officer appointed under *The Election Act*; R.S.O. 1960,
c. 118
- (b) "electors" means electors as defined in *The Municipal Act* and, in a municipality that has a resident voters' list under *The Municipal Franchise Extension Act*, includes the persons on such list; R.S.O. 1960
cc. 249, 254
- (c) "fluoridation system" means a system comprising equipment and materials for the addition of a chemical compound to release fluoride ions into a public water supply.

2.—(1) Where a local municipality or a local board thereof owns or operates a waterworks system, the council of the municipality may by by-law establish, maintain and operate, or require the local board to establish, maintain and operate, a fluoridation system in connection with the waterworks system. Establish-
ment of
system

(2) The council may before passing a by-law under sub-section 1 submit the following question to the electors of the municipality: Vote as to
establish-
ment of
system

Are you in favour of the fluoridation of the public water supply of this municipality?

and, where the question receives the affirmative vote of a majority of the electors who vote on the question, the council shall pass the by-law, or, where the question does not receive the affirmative vote of a majority of the electors who vote on

the question, the council shall not pass the by-law until the question has again been submitted to the electors of the municipality and it has received the affirmative vote of a majority of the electors who vote on it.

Discon-
tinuance of
system

3.—(1) Where a local municipality or a local board thereof has a fluoridation system in connection with its waterworks system, the council of the municipality may by by-law discontinue, or require the local board to discontinue, the fluoridation system.

Vote as to
discon-
tinuance of
system

(2) The council may before passing a by-law under subsection 1 submit the following question to the electors of the municipality:

Are you in favour of the discontinuance of the fluoridation of the public water supply of this municipality?

and, where the question receives the affirmative vote of a majority of the electors who vote on the question, the council shall pass the by-law, or, where the question does not receive the affirmative vote of a majority of the electors who vote on the question, the council shall not pass the by-law until the question has again been submitted to the electors of the municipality and it has received the affirmative vote of a majority of the electors who vote on it.

When
question
may be
submitted

4.—(1) The council may submit a question under this Act to the electors at any time.

Petition

(2) Upon the presentation of a petition requesting that a question under this Act be submitted to the electors, signed by at least 10 per cent of the electors in the municipality, the council shall before or at the next municipal election submit the question to the electors, but, if a petition is presented in the month of November or December in any year, it shall be deemed to be presented in the month of February next following.

Idem

(3) A petition mentioned in subsection 2 shall be deemed to be presented when it is lodged with the clerk of the municipality, and the sufficiency of the petition shall be determined by him and his certificate as to its sufficiency is conclusive for all purposes.

Joint water-
works, esta-
blishment
of system

5.—(1) Where a waterworks system is operated by or for two or more local municipalities, the body operating the waterworks system shall establish, maintain and operate a fluoridation system in connection therewith,

- (a) where there are two such municipalities, only after the councils of both such municipalities have passed a by-law requiring the fluoridation of the water supply of their respective municipalities; or
- (b) where there are more than two such municipalities, only after the councils of a majority of such municipalities have passed a by-law requiring the fluoridation of the water supply of their respective municipalities.

(2) A fluoridation system established under subsection 1 ^{Idem, discontinuance} shall be discontinued where the councils of both municipalities or of a majority of the municipalities, as the case may be, have passed by-laws requiring the discontinuance of the fluoridation system in their respective municipalities.

(3) Where petitions signed by at least 10 per cent of the electors in each such municipality, where there are two such municipalities, or in each of a majority of such municipalities, where there are more than two, are presented to the Chief Election Officer requesting that a question under this Act be submitted in both or all of such municipalities, as the case may be, each of the municipalities by or for which the water-works system is operated shall submit the question to its electors on a date to be fixed by the Chief Election Officer, and the clerk of each such municipality shall certify the result of the vote in his municipality to the Chief Election Officer. ^{Vote on question upon petition}

(4) If a majority of the votes cast in both or all of such municipalities, as the case may be, on the question set out in section 2 is in the affirmative, each such municipality shall pass a by-law under subsection 1, or, if a majority of the votes cast in both or all of such municipalities, as the case may be, is in the negative, no by-law under subsection 1 shall be passed until the question has again been submitted to and has received the affirmative vote of a majority of the electors who vote on it. ^{Result of vote, establishment}

(5) If a majority of the votes cast in both or all of such municipalities, as the case may be, on the question set out in section 3 is in the affirmative, the council of each such municipality shall pass a by-law requiring the discontinuance of the fluoridation system in its municipality. ^{Idem, discontinuance}

6.—(1) The council of any local municipality that obtains its water supply under an agreement with a company public utility may pass a by-law requiring the fluoridation of the water supply, and thereupon the company shall establish, maintain and operate a fluoridation system in connection with the water supply of the municipality on such terms and ^{Company public utilities}

R.S.O. 1960,
c. 18 conditions as the council of the municipality and the company agree upon or, failing agreement, as are determined by arbitration under *The Arbitrations Act*.

Idem, dis-
continuance

(2) Any fluoridation system established under subsection 1 shall be discontinued where the council of the municipality has passed a by-law requiring its discontinuance, and the terms and conditions of the discontinuance may be agreed upon by the council of the municipality and the company or, failing agreement, may be determined by arbitration under *The Arbitrations Act*.

R.S.O. 1960,
c. 18

Metropolitan
Toronto

R.S.O. 1960,
c. 260

7.—(1) In this section, the expressions "area municipality" and "Metropolitan Corporation" have the same meanings as in *The Municipality of Metropolitan Toronto Act*.

Establish-
ment and
discon-
tinuance of
system

(2) The council of the Metropolitan Corporation may by by-law establish, maintain and operate or discontinue a fluoridation system in connection with the Metropolitan waterworks system.

Vote on
question

(3) The council of the Metropolitan Corporation may fix a day for the submission of a question under this Act to the electors, in which event the area municipalities shall submit the question to their respective electors accordingly, and the clerk of each area municipality shall forthwith certify the result of the vote in his area municipality to the clerk of the Metropolitan Corporation.

Idem, upon
petition

(4) Where petitions signed by at least 10 per cent of the electors in each of a majority of the area municipalities, certified by the clerks of the respective area municipalities, are presented to the Metropolitan Corporation requesting that a question under this Act be submitted under subsection 3, the council of the Metropolitan Corporation shall fix a day for the submission of the question under subsection 3.

Establish-
ment after
vote

(5) If a majority of the votes cast in all of the area municipalities on the question set out in section 2 is in the affirmative, the Metropolitan Corporation shall pass a by-law under subsection 2, or, if a majority of the votes cast in all of the area municipalities is in the negative, a by-law under subsection 2 shall not be passed until the question has again been submitted and has received the affirmative vote of a majority of the electors who vote on it.

Discon-
tinuance
after vote

(6) If a majority of the votes cast in all of the area municipalities on the question set out in section 3 is in the affirmative,

the council of the Metropolitan Corporation shall pass a by-law discontinuing the fluoridation system in connection with the Metropolitan waterworks system.

8. Every fluoridation system that is being operated under the authority of *The Public Health Act* when this Act comes into force shall be deemed to have been established and to be maintained and operated under the authority of this Act. ^{Existing systems R.S.O. 1960, c. 321}

9.—(1) The Lieutenant Governor in Council may make Regulations regulations,

- (a) governing and regulating the equipment and processes that may be used in fluoridation systems;
- (b) prescribing the nature and amount of the chemical compounds that may be used in fluoridation systems;
- (c) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

(2) Any such regulation may be general or particular in its application. ^{Idem}

10. This Act comes into force on the day it receives Royal Assent. ^{Commencement}

11. This Act may be cited as *The Fluoridation Act, 1960-61*. Short title

An Act respecting the Fluoridation
of Public Water Supplies

1st Reading

March 2nd, 1961

2nd Reading

March 6th, 1961

3rd Reading

March 29th, 1961

MR. DYMOND

BILL 99

2ND SESSION, 26TH LEGISLATURE, ONTARIO
9-10 ELIZABETH II, 1960-61

An Act to amend The Public Health Act

MR. DYMOND

EXPLANATORY NOTE

This Bill is complementary to Bill 98, *An Act respecting the Fluoridation of Public Water Supplies*.

It removes from *The Public Health Act* the provisions that deal with municipal fluoridation systems.

BILL 99

1960-61

An Act to amend The Public Health Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *d* of section 1 and sections 79 and 80 of *The Public Health Act* are repealed. R.S.O. 1960,
c. 321, s. 1,
cl. *d*;
ss. 79, 80,
repealed
2. Schedule C to *The Public Health Act* is repealed. R.S.O. 1960,
c. 321,
Sched. C,
repealed
3. This Act comes into force on the day it receives Royal Assent. Commence-
ment
4. This Act may be cited as *The Public Health Amendment Act, 1960-61 (No. 2)*. Short title

An Act to amend
The Public Health Act

1st Reading

March 2nd, 1961

2nd Reading

3rd Reading

MR. DYMOND

BILL 99

2ND SESSION, 26TH LEGISLATURE, ONTARIO
9-10 ELIZABETH II, 1960-61

An Act to amend The Public Health Act

MR. DYMOND

BILL 99

1960-61

An Act to amend The Public Health Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *d* of section 1 and sections 79 and 80 of *The Public Health Act* are repealed. R.S.O. 1960,
c. 321, s. 1,
cl. *d*;
ss. 79, 80,
repealed
2. Schedule C to *The Public Health Act* is repealed. R.S.O. 1960,
c. 321,
Sched. C,
repealed
3. This Act comes into force on the day it receives Royal Assent. Commence-
ment
4. This Act may be cited as *The Public Health Amendment Act, 1960-61 (No. 2)*. Short title

The Public Health Act

1st Reading

March 2nd, 1961

2nd Reading

March 8th, 1961

3rd Reading

March 10th, 1961

MR. DYMOND

BILL 100

2ND SESSION, 26TH LEGISLATURE, ONTARIO
9-10 ELIZABETH II, 1960-61

An Act to amend The Assessment Act

MR. WARRENDER

EXPLANATORY NOTES

SECTION 1—Subsection 1. The amendment provides that the tax exemption of public educational institutions does not apply to privately-owned lands rented or leased by the institution.

Subsection 2. The amendment is to remove any doubt that the tax exemption for municipal property applies to all local boards.

SECTION 2. The amendment exempts the interest of a timber licensee, lessee or grantee under a licence, lease or agreement issued under *The Crown Timber Act* from taxation under section 34 which provides for the taxation of a tenant of Crown lands.

BILL 100

1960-61

An Act to amend The Assessment Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Paragraph 4 of section 4 of *The Assessment Act* is amended by adding thereto the following clause: R.S.O. 1960, c. 23, s. 4, par. 4, amended

- (a) The exemption from taxation under this paragraph does not apply to lands rented or leased to an educational institution mentioned in this paragraph by any person other than another such institution. When exemption not to apply

(2) Paragraph 9 of the said section 4 is amended by inserting after "commission" in the third line "or local board as defined by *The Department of Municipal Affairs Act*", so that the paragraph shall read as follows: R.S.O. 1960, c. 23, s. 4, par. 9, amended

9. Subject to section 43, the property belonging to any county or municipality or vested in or controlled by any public commission or local board as defined by *The Department of Municipal Affairs Act*, including a municipal parking authority, wherever situate and whether occupied for the purposes thereof or unoccupied but not when occupied by a tenant or lessee. Municipal property R.S.O. 1960, c. 98

2. Section 34 of *The Assessment Act* is amended by adding thereto the following subsection: R.S.O. 1960, c. 23, s. 34, amended

- (5) This section does not apply to the interest of a timber licensee, lessee, grantee or concessionaire in a licence, lease or agreement issued under *The Crown Timber Act*, or to any right in timber cut or to be cut by the holder of, or party to, such licence, lease or agreement, or to such improvements or equipment as lumber camps, tote roads, telephone lines, hoists, logging railways, dams or booms that may be used Application of timber licensees, etc. R.S.O. 1960, c. 83

only temporarily in connection with logging or lumbering operations conducted under such licence, lease or agreement.

R.S.O. 1960,
c. 23, s. 35,
subs. 6,
amended

3.—(1) Subsection 6 of section 35 of *The Assessment Act* is amended by striking out "*The Mining Tax Act*" in the second line and inserting in lieu thereof "*The Mining Act*", so that the first two lines of the subsection shall read as follows:

Effect of
tax sale
or tax
certificate
registration
R.S.O. 1960,
c. 241

(6) Where land, the mining rights in which are liable for acreage tax under *The Mining Act*,

.

R.S.O. 1960,
c. 23, s. 35
amended

(2) The said section 35 is amended by adding thereto the following subsection:

Purchase by
Crown of
lands vested
in municip-
alities
under
subs. 6, 7
R.S.O. 1960,
c. 98

(7a) Where lands mentioned in subsection 6 or 7 are, under the provisions of this Act or *The Department of Municipal Affairs Act*, vested in a mining municipality designated under section 36, the Crown in right of Ontario may purchase such lands at a price not exceeding \$3 an acre.

R.S.O. 1960,
c. 23, s. 41,
subs. 15,
amended

4. Subsection 15 of section 41 of *The Assessment Act* is amended by striking out "1960" in the second line and inserting in lieu thereof "1961", so that the subsection shall read as follows:

Review
of rates

(15) The rates set out in subsection 5 shall be reviewed by the Minister in the year 1961 and every third year thereafter and in any such year the Lieutenant Governor in Council may by regulation amend or re-enact the table of rates set out in subsection 5.

R.S.O. 1960,
c. 23, s. 53,
subs. 5,
cl. d,
amended

5. Clause *d* of subsection 5 of section 53 of *The Assessment Act* is amended by inserting after "agreement" in the third line "or an award of a board of arbitrators or the Ontario Municipal Board", so that the clause shall read as follows:

(*d*) notwithstanding clauses *a* and *b*, where in a high school district a municipality is required under an agreement or an award of a board of arbitrators or the Ontario Municipal Board to pay over to the high school board a fixed annual percentage of the costs of the erection or maintenance of a school or schools, it is not necessary for the municipality to pay over an amount to the high school board as required by clauses *a* and *b*, but the municipality

SECTION 3—Subsection 1. The section refers to acreage tax under *The Mining Tax Act*. This tax provision was transferred to *The Mining Act* and the reference is, therefore, corrected.

Subsection 2. By reason of subsection 6 of section 35, there is a severance of mineral and surface rights when lands, the mining rights in which were liable to acreage tax under *The Mining Act*, become vested in a municipality upon a tax sale or the filing of a tax arrears certificate. The new subsection authorizes the purchase by the Crown of such lands in mining municipalities that are vested in the municipalities by virtue of a tax sale or by the registration of a tax arrears certificate.

SECTION 4. A review of the rates for the assessment of pipe lines is required under subsection 15 to be carried out in 1960. The amendment requires the review to be made in 1961.

SECTION 5. This amendment is required to provide that supplementary levies shall be apportioned on the same basis when the costs of a high school district must be shared on a fixed annual percentage basis under an award of a board of arbitrators or the Ontario Municipal Board as is now provided when the costs are to be shared on a fixed annual percentage basis under an agreement.

SECTION 6. At present a county court of revision may not deal with applications for cancellation, reduction or refund of taxes made under section 131. Section 132 deals with an increase in taxes on application of the municipality. The amendment provides that a county court of revision shall not deal with applications under section 132.

SECTION 7. These amendments are complementary to the new section 93a which permits counties to establish a single county-wide assessment which in effect consolidates the separate assessment functions of each of the local municipalities with the assessment of the county.

shall set up a credit of the amounts that would but for this clause have been paid over to the board, which credit shall be used to reduce the levy for the board in the following year.

6. Subsection 1 of section 65 of *The Assessment Act* is amended by inserting after "131" in the fifth line "132", so that the subsection shall read as follows: R.S.O. 1960,
c. 23, s. 65,
subs. 1,
amended

- (1) Where a county assessor is appointed under section 93, the council of the county may establish a county court of revision to act in lieu of the court of revision referred to in section 64 on assessment appeals, but the county court of revision shall not deal with applications under section 131, 132, 143, 145 or 244 of this Act or appeals under any other Act. County
court of
revision

7. *The Assessment Act* is amended by adding thereto the following sections: R.S.O. 1960,
c. 23,
amended

65a.—(1) Where a by-law under section 93a is in effect in a county, the council of the county shall constitute by by-law one or more courts of revision for each township, town and village in the county. Courts of
revision
under county
assessment
commissioner

- (2) Each such court of revision shall consist of one or three members, as the by-law may provide, and each member of a court of revision shall be appointed by by-law and shall hold office during pleasure of the county council. Members

- (3) A member of a court of revision constituted under this section for one local municipality may also be appointed a member of a court of revision constituted for one or more other local municipalities. Idem

- (4) No person who is or during the preceding year was, Persons
disqualified
as members
- (a) a member of the council of a township, town or village in the county; or

- (b) an officer or employee, other than a member of a court of revision, of such a local municipality or of the county,

may be appointed or hold office as a member of a court of revision constituted under this section.

- (5) Where a court of revision consists of three members, two members are a quorum. Quorum

Remunera-
tion of
members

- (6) Each member of a court of revision shall be paid such sum for his services as the county council may by by-law provide.

Courts of
revision
under this
section
deemed
courts
of local
muni-
cipalities

- (7) A court or courts of revision constituted for a local municipality under this section shall be deemed for the purposes of this and every other Act to be the court or courts of revision for the local municipality, and no such local municipality shall constitute or continue a court or courts of revision under this Act or any special Act after the 31st day of December in the year in which a by-law under section 93a is passed by the county of which the local municipality forms part.

Court of
revision
for local
improve-
ments
R.S.O. 1960,
c. 223

- (8) A court or courts of revision constituted for a local municipality under this section shall be deemed to be the court or courts of revision constituted for the local municipality for the purposes of *The Local Improvement Act*.

Appeals in
other local
muni-
cipalities

- (9) All rights of appeal conferred by this Act upon a person assessed in a township, town or village in a county that has passed a by-law under section 93a may be exercised by such local municipality, or by a person designated by resolution of the council of such local municipality, with respect to an assessment in any other local municipality in the county and with respect to the decision of a court of revision, county judge or the Ontario Municipal Board on any appeal with respect to such assessment and, notwithstanding any other provision in this Act, notice of appeal to the court of revision may be given by such local municipality or by such designated person within twenty-one days after the day upon which the assessment roll with respect to such assessment is returned.

Local
muni-
cipalities to
be given
notice of
appeals

- (10) Where an appeal is filed in respect of an assessment of land in a township, town or village in a county that has passed a by-law under section 93a, the local municipality shall be given notice of such appeal by the assessment commissioner and is entitled to be heard by the court of revision, county judge, Ontario Municipal Board or any court.

Application
of section 56

- 65b. Section 56 applies in each township, town and village in a county that has passed a by-law under section 93a, but, for the purposes of that section, the county council shall be deemed to be the council of each township, town and village in the county.

SECTIONS 8, 9 and 10. The headings in the Act indicating appeals are revised for the purposes of clarification.

SECTION 11. The amendments are to make it clear that the jurisdiction conferred on the assessment tribunals (court of revision, county judge and Ontario Municipal Board) is purely administrative except as to the pre-Confederation powers respecting quantum of assessments and persons wrongfully placed upon or omitted from the assessment rolls.

The new section 87*a* is to provide an expeditious procedure for the judicial determination of any question relating to an assessment except those questions which are within the exclusive jurisdiction of appeal tribunals (court of revision, etc.) because of their pre-Confederation origin.

8. The heading preceding section 72 of *The Assessment Act* is struck out and the following substituted therefor:

R.S.O. 1960,
c. 23, s. 72,
heading,
re-enacted

APPEALS TO COURT OF REVISION

9. The heading preceding section 75 of *The Assessment Act* is struck out and the following substituted therefor:

R.S.O. 1960,
c. 23, s. 75,
heading,
re-enacted

APPEALS TO COUNTY JUDGE

10. The heading preceding section 83 of *The Assessment Act* is struck out and the following substituted therefor:

R.S.O. 1960,
c. 23, s. 83,
heading,
re-enacted

APPEALS TO ONTARIO MUNICIPAL BOARD AND COURT OF APPEAL

11. Sections 85 and 87 of *The Assessment Act* are repealed and the following substituted therefor:

R.S.O. 1960,
c. 23, s. 85,
repealed
s. 87,
re-enacted

- 87.—(1) Upon a complaint or appeal with respect to an assessment, the court of revision, county judge or the Ontario Municipal Board may review the assessment and, for the purpose of such review, has all the powers and functions of the assessor in making an assessment, determination or decision under this Act, and any such assessment, determination or decision made on review by the court of revision, county judge or the Ontario Municipal Board shall, except as provided in subsection 2, be deemed to be an assessment, determination or decision of the assessor and has the same force and effect.
- (2) A decision of the court of revision, county judge or the Ontario Municipal Board with regard to persons alleged to be wrongfully placed upon or omitted from the roll or assessed at too high or too low a sum is final and binding unless appealed in accordance with the provisions of this Act.
- (3) For greater certainty, it is hereby declared that the provisions of sections 72, 75 and 83 respecting appeals are intended to establish machinery for the review of an assessment for the purpose of ensuring the administrative integrity of the roll, and, except as provided in subsection 2, such provisions shall not be deemed to affect the right of any person to apply to a superior, county or district court for a judicial determination of any question relating to an assessment.

Powers and
functions
of court of
revision,
county
judge,
Ontario
Municipal
Board

Decision
re quantum,
etc., final

Purpose of
provisions
re appeals

ORIGINATING NOTICES AND OTHER PROCEEDINGS

Application
by
originating
office

87a.—(1) The municipal corporation, the assessor, the assessment commissioner or any person assessed may apply by originating notice to the Supreme Court or to the county court of the county in which the assessment is made for the determination of any question relating to the assessment, except a question as to persons alleged to be wrongfully placed upon or omitted from the roll or assessed at too high or too low a sum.

Service
of notice

(2) The persons to be served with notice under this section shall be the persons assessed in respect of the property relating to the assessment, the assessment commissioner or, if none, the assessor and the clerk of the municipality affected by the assessment.

Time for
notice

(3) No originating notice shall be commenced except within the times for commencing an action or other proceeding set forth in section 88.

Appeal to
Court of
Appeal

(4) An appeal lies to the Court of Appeal from the judgment of the Supreme Court or from the judgment of the county court.

Final
revision of
roll not to
be delayed,
alteration of
roll on Court
of Appeal
judgment

(5) The appeal from any judgment made by the Supreme Court or by a county court on an originating notice given pursuant to this section or the hearing or argument or other proceedings thereon shall not delay the final revision of the assessment roll; but, if by the judgment of the Court of Appeal it appears that any alteration should be made in the assessment roll respecting the assessment in question, the clerk of the municipality shall cause the proper entries to be made in the assessment roll to give effect to the judgment on the originating notice or on appeal therefrom.

Judgment of
court
binding on
court of
revision,
etc.

(6) Notwithstanding that a question of the assessment of any person is pending before a court of revision, a judge of the county court or the Ontario Municipal Board, the judgment of the Supreme Court, the county court or the Court of Appeal shall be given effect to and is binding upon the court of revision, the judge of the county court and the Ontario Municipal Board.

R.S.O. 1960,
c. 23, s. 88,
amended

12. Section 88 of *The Assessment Act* is amended by inserting after "municipality" in the second line "for the collection of arrears of taxes", so that the first four lines of the section shall read as follows:

SECTION 12. The amendment is to make it clear that the proceedings brought by or on behalf of the municipality referred to in this section are for the collection of arrears of taxes.

SECTION 13. The new section 93a authorizes the appointment of a county assessment commissioner and provides for a county-wide assessment under such commissioner.

SECTION 14. The re-enactment of subsections 1 to 3 of section 94 is complementary to the new section 93a providing for the appointment of a county assessment commissioner. As equalization is not necessary when a county-wide assessment is made, this amendment provides for adopting the valuations made by the county assessment commissioner and these valuations are deemed to be the equalized assessments. Also, subsection 3 provides for including in the aggregate valuations for the purpose of ascertaining and apportioning county rates the payments made to municipalities by Canada in lieu of taxes.

88. No action or other proceeding, except an action or other proceeding brought by or on behalf of a municipality for the collection of arrears of taxes, shall be brought in any court with respect to an assessment or taxes based thereon, Limitation of actions in courts

.

13. *The Assessment Act* is amended by adding thereto the following section: R.S.O. 1960, c. 23, amended

93a.—(1) The council of a county may, with the unanimous assent of the members thereof, pass a by-law appointing a county assessment commissioner who shall have all the powers, duties and privileges under this and every other Act of an assessor, an assessment commissioner or a county assessor in respect of the county and the townships, towns and villages in the county and who shall be deemed for the purposes of this and every other Act to be the assessor for each of such local municipalities. County assessment commissioner

(2) An assessment commissioner appointed under this section may employ such assistants and other staff for the performance of his duties as may be authorized by the council of the county. Staff

(3) Where a by-law is passed in any year by the council of a county under this section, the county shall not, after the 31st day of December in that year, appoint or continue to employ a county assessor under section 93, and the townships, towns and villages in the county shall not, after that date, appoint or continue to employ an assessment commissioner or assessors, and, after that date, at the request of the county assessment commissioner, all the books, records and documents relating to the work of the assessment departments of such local municipalities shall be turned over to the county assessment commissioner. Local municipalities not to employ assessors, etc.

(4) Where a by-law is passed in any year by the council of a county under this section, section 130 does not apply after the 31st day of December of that year in any township, town or village in the county. Application of section 130 in local municipalities

(5) No by-law passed under this section shall be repealed without the approval of the Minister. Repeal of by-law

14. Subsections 1, 2 and 3 of section 94 of *The Assessment Act* are repealed and the following substituted therefor: R.S.O. 1960, c. 23, s. 94, subs. 1-3, re-enacted

Annual
adoption of
valuations
made by
county
assessment
commis-
sioner and
examination
of assessment
rolls for
purposes of
county rates

(1) On or before the 1st day of July in each year,

- (a) the council of a county that has appointed a county assessment commissioner under section 93a shall adopt the valuations of real property and business assessment of each township, town and village in the county made by the county assessment commissioner as finally revised as the aggregate valuations of each such local municipality for the purpose of county rates, and such valuation as adopted shall be deemed to be the equalized assessments for the purposes of this and every other Act; and
- (b) the council of every other county shall examine or cause to be examined the assessment rolls made in the preceding year of the different townships, towns and villages in the county for the purpose of ascertaining whether the valuations of real property and business assessment made by the assessors in each township, town or village bear a just relation one to another, and may, by by-law for the purpose of county rates, increase or decrease in any township, town or village the aggregate valuations, adding or deducting so much per cent as may, in their opinion, be necessary to produce a just relation between them, but they shall not reduce the aggregate valuation for the whole county as made by the assessors.

Assessment
equivalent
of mining
revenue
payments
to be
added to
aggregate
valuations

(2) Where in the preceding year a mining municipality has received or becomes entitled to a payment under the regulations made under section 36, an amount shall be calculated by,

- (a) multiplying the part of such payment computed under paragraph 1 of subsection 2 of section 36 that was credited to the general funds of the municipality by 1,000; and
- (b) dividing the product obtained under clause a by the aggregate of the mill rates for general and county purposes levied in that year by the municipality on the types of assessments mentioned in clauses a, b and c of subsection 2 of section 294 of *The Municipal Act*; and
- (c) increasing or decreasing the quotient obtained under clause b by the same per cent, if any,

SECTION 15. The amendment is complementary to the new section 93a. See section 13 of this Bill.

SECTION 16. The re-enactment of this subsection is for clarification and to permit the use of mechanical equipment in preparing tax notices.

as the aggregate valuations of such municipality made in that year are increased or decreased under subsection 1,

and, for the purpose of county rates, the amount obtained under this subsection shall be added to the aggregate valuations of the municipality as increased or decreased or adopted under subsection 1.

- (3) Where in the preceding year a municipality has received or becomes entitled to a payment in lieu of taxes from the Crown in right of Canada, except payments received under section 245, or from the Crown in right of Ontario or any board, commission, corporation or other agency thereof or The Hydro-Electric Power Commission of Ontario, the valuations of the properties for which such payments are made shall be increased or decreased by the same per cent, if any, as the aggregate valuations of such municipality made in that year are increased or decreased under subsection 1, and for the purpose of county rates the amount so obtained shall also be added to the aggregate valuations of the municipality as increased or decreased or adopted under subsection 1.
- Valuations on which payments in lieu of taxes paid to be added to aggregate valuations

15. Section 96 of *The Assessment Act* is amended by inserting after "council" in the second line "under clause *b* of subsection 1 of section 94", so that the section, exclusive of the paragraphs, shall read as follows:

R.S.O. 1960, c. 23, s. 96, amended

96. If any municipality is dissatisfied with the action of any county council under clause *b* of subsection 1 of section 94 in increasing or decreasing, or refusing to increase or decrease, the valuation of any municipality, the proceedings shall be as follows:
- Appeal as to equalization of assessments

.

16. Subsection 3 of section 115 of *The Assessment Act* is repealed and the following substituted therefor:

R.S.O. 1960, c. 23, s. 115, subs. 3, re-enacted

- (3) The written or printed notice above mentioned shall have written or printed thereon or attached thereto a schedule specifying the different rates and the total thereof used in calculating the taxes referred to in the notice and also containing the information required to be entered in the collector's roll under section 110.
- Particulars in tax notice

R.S.O. 1960,
c. 23, s. 131,
subs. 12,
re-enacted

17. Subsection 12 of section 131 of *The Assessment Act* is repealed and the following substituted therefor:

Idem

- (12) A cancellation, reduction or refund under clause *d* of subsection 1 shall be for a proportionate part of the taxes levied on the building assessment based on the number of months in the year or years after the building was razed in respect of which taxes were levied.

R.S.O. 1960,
c. 23, s. 150,
subs. 1,
re-enacted

18. Subsection 1 of section 150 of *The Assessment Act* is repealed and the following substituted therefor:

Interest on
tax arrears

- (1) Notwithstanding any special Act, the treasurer, collector or county treasurer, as the case may be, shall add to the amount of all taxes due and unpaid interest at the rate of not less than one-half of 1 per cent per month and not exceeding two-thirds of 1 per cent per month for each month or fraction thereof from the 31st day of December in the year in which the taxes are levied until the taxes are paid, provided that interest shall not be charged at a rate exceeding one-half of 1 per cent per month unless the amount of all the taxes due and unpaid owing by one person is in excess of \$1,000.

R.S.O. 1960,
c. 23,
Form 2,
amended

19. Form 2 of *The Assessment Act* is amended by striking out the portion headed "Particulars of Amount of Assessment" and inserting in lieu thereof the following:

SECTION 17. The amendment is for the purpose of clarification only.

SECTION 18. The amendment is to permit an increase in the interest payable on arrears of taxes from 6 per cent per annum to 8 per cent per annum. The higher rate is restricted to arrears in excess of \$1,000.

SECTION 19. Form 2 is amended by adding Columns D and E.

- Commence-
ment** **20.**—(1) This Act, except subsection 1 of section 1 and sections 2, 3 and 5, comes into force on the day it receives Royal Assent.
- Idem** (2) Sections 2, 3 and 5 shall be deemed to have come into force on the 1st day of January, 1961.
- Idem** (3) Subsection 1 of section 1 comes into force on the 1st day of January, 1962.
- Short title** **21.** This Act may be cited as *The Assessment Amendment Act, 1960-61*.

1st Reading

March 2nd, 1961

2nd Reading

3rd Reading

MR. WARRENDER

2ND SESSION, 26TH LEGISLATURE, ONTARIO
9-10 ELIZABETH II, 1960-61

An Act to amend The Assessment Act

MR. WARRENDER

(Reprinted as amended by the Committee on Municipal Law)

EXPLANATORY NOTES

SECTION 1—Subsection 1. The amendment provides that the tax exemption of public educational institutions does not apply to privately-owned lands rented or leased by the institution.

Subsection 2. The amendment is to remove any doubt that the tax exemption for municipal property applies to all local boards.

SECTION 2. The amendment provides that persons using land to raise animals for the production of fur are not liable to business assessment.

SECTION 3. The amendment exempts the interest of a timber licensee, lessee or grantee under a licence, lease or agreement issued under *The Crown Timber Act* from taxation under section 34 which provides for the taxation of a tenant of Crown lands.

An Act to amend The Assessment Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Paragraph 4 of section 4 of *The Assessment Act* is amended by adding thereto the following clause: R.S.O. 1960,
c. 23, s. 4,
par. 4,
amended

(a) The exemption from taxation under this paragraph does not apply to lands rented or leased to an educational institution mentioned in this paragraph by any person other than another such institution. When
exemption
not to
apply

(2) Paragraph 9 of the said section 4 is amended by inserting after "commission" in the third line "or local board as defined by *The Department of Municipal Affairs Act*", so that the paragraph shall read as follows: R.S.O. 1960,
c. 23, s. 4,
par. 9,
amended

9. Subject to section 43, the property belonging to any county or municipality or vested in or controlled by any public commission or local board as defined by *The Department of Municipal Affairs Act*, including a municipal parking authority, wherever situate and whether occupied for the purposes thereof or unoccupied but not when occupied by a tenant or lessee. Municipal
property

R.S.O. 1960,
c. 23, s. 4,
par. 9,
amended

2. Subsection 11 of section 9 of *The Assessment Act* is amended by inserting after "honey" in the third line "or for the raising of animals for the production of fur", so that the subsection, exclusive of the clause, shall read as follows: R.S.O. 1960,
c. 23, s. 9,
subs. 11,
amended

(11) No person occupying or using land as a rooming house, farm, market garden, nursery or for the keeping of bees for the production of honey or for the raising of animals for the production of fur is liable to business assessment in respect of such land. Farmers,
etc.

3. Section 34 of *The Assessment Act* is amended by adding thereto the following subsection: R.S.O. 1960,
c. 23, s. 34,
amended

Application
of timber
licensees,
etc.
R.S.O. 1960,
c. 83

- (5) This section does not apply to the interest of a timber licensee, lessee, grantee or concessionaire in a licence, lease or agreement issued under *The Crown Timber Act*, or to any right in timber cut or to be cut by the holder of, or party to, such licence, lease or agreement, or to such improvements or equipment as lumber camps, tote roads, telephone lines, hoists, logging railways, dams or booms that may be used only temporarily in connection with logging or lumbering operations conducted under such licence, lease or agreement.

R.S.O. 1960,
c. 23, s. 35,
subs. 6,
amended

- 4.—(1) Subsection 6 of section 35 of *The Assessment Act* is amended by striking out "*The Mining Tax Act*" in the second line and inserting in lieu thereof "*The Mining Act*", so that the first two lines of the subsection shall read as follows:

Effect of
tax sale
or tax
certificate
registration
R.S.O. 1960,
c. 241

- (6) Where land, the mining rights in which are liable for acreage tax under *The Mining Act*,

R.S.O. 1960,
c. 23, s. 35,
amended

- (2) The said section 35 is amended by adding thereto the following subsection:

Purchase by
Crown of
lands vested
in municipalities
under
subss. 6, 7
R.S.O. 1960,
c. 98

- (7a) Where lands mentioned in subsection 6 or 7 are, under the provisions of this Act or *The Department of Municipal Affairs Act*, vested in a mining municipality designated under section 36, the Crown in right of Ontario may purchase such lands at a price not exceeding \$3 an acre.

R.S.O. 1960,
c. 23, s. 41,
subs. 15,
amended

5. Subsection 15 of section 41 of *The Assessment Act* is amended by striking out "1960" in the second line and inserting in lieu thereof "1961", so that the subsection shall read as follows:

Review
of rates

- (15) The rates set out in subsection 5 shall be reviewed by the Minister in the year 1961 and every third year thereafter and in any such year the Lieutenant Governor in Council may by regulation amend or re-enact the table of rates set out in subsection 5.

R.S.O. 1960,
c. 23, s. 53,
subs. 5,
cl. d,
amended

6. Clause *d* of subsection 5 of section 53 of *The Assessment Act* is amended by inserting after "agreement" in the third line "or an award of a board of arbitrators or the Ontario Municipal Board", so that the clause shall read as follows:

- (*d*) notwithstanding clauses *a* and *b*, where in a high school district a municipality is required under an agreement or an award of a board of arbitrators or the Ontario Municipal Board to pay over to the

SECTION 4—Subsection 1. The section refers to acreage tax under *The Mining Tax Act*. This tax provision was transferred to *The Mining Act* and the reference is, therefore, corrected.

Subsection 2. By reason of subsection 6 of section 35, there is a severance of mineral and surface rights when lands, the mining rights in which were liable to acreage tax under *The Mining Act*, become vested in a municipality upon a tax sale or the filing of a tax arrears certificate. The new subsection authorizes the purchase by the Crown of such lands in mining municipalities that are vested in the municipalities by virtue of a tax sale or by the registration of a tax arrears certificate.

SECTION 5. A review of the rates for the assessment of pipe lines is required under subsection 15 to be carried out in 1960. The amendment requires the review to be made in 1961.

SECTION 6. This amendment is required to provide that supplementary levies shall be apportioned on the same basis when the costs of a high school district must be shared on a fixed annual percentage basis under an award of a board of arbitrators or the Ontario Municipal Board as is now provided when the costs are to be shared on a fixed annual percentage basis under an agreement.

SECTION 7. At present a county court of revision may not deal with applications for cancellation, reduction or refund of taxes made under section 131. Section 132 deals with an increase in taxes on application of the municipality. The amendment provides that a county court of revision shall not deal with applications under section 132.

SECTION 8. These amendments are complementary to the new section 93a which permits counties to establish a single county-wide assessment which in effect consolidates the separate assessment functions of each of the local municipalities with the assessment of the county.

high school board a fixed annual percentage of the costs of the erection or maintenance of a school or schools, it is not necessary for the municipality to pay over an amount to the high school board as required by clauses *a* and *b*, but the municipality shall set up a credit of the amounts that would but for this clause have been paid over to the board, which credit shall be used to reduce the levy for the board in the following year.

7. Subsection 1 of section 65 of *The Assessment Act* is amended by inserting after "131" in the fifth line "132", so that the subsection shall read as follows: R.S.O. 1960,
c. 23, s. 65,
subs. 1,
amended

- (1) Where a county assessor is appointed under section 93, the council of the county may establish a county court of revision to act in lieu of the court of revision referred to in section 64 on assessment appeals, but the county court of revision shall not deal with applications under section 131, 132, 143, 145 or 244 of this Act or appeals under any other Act. County
court of
revision

8. *The Assessment Act* is amended by adding thereto the following sections: R.S.O. 1960,
c. 23,
amended

65a.—(1) Where a by-law under section 93a is in effect in a county, the council of the county shall constitute by by-law one or more courts of revision for each township, town and village in the county. Courts of
revision
under county
assessment
commis-
sioner

- (2) Each such court of revision shall consist of one or three members, as the by-law may provide, and each member of a court of revision shall be appointed by by-law and shall hold office during pleasure of the county council. Members

- (3) A member of a court of revision constituted under this section for one local municipality may also be appointed a member of a court of revision constituted for one or more other local municipalities. Idem

- (4) No person who is or during the preceding year was, Persons
disqualified
as members
- (a) a member of the council of a township, town or village in the county; or
- (b) an officer or employee, other than a member of a court of revision, of such a local municipality or of the county,

may be appointed or hold office as a member of a court of revision constituted under this section.

Quorum

- (5) Where a court of revision consists of three members, two members are a quorum.

Remuneration of members

- (6) Each member of a court of revision shall be paid such sum for his services as the county council may by by-law provide.

Courts of revision under this section deemed courts of local municipalities

- (7) A court or courts of revision constituted for a local municipality under this section shall be deemed for the purposes of this and every other Act to be the court or courts of revision for the local municipality, and no such local municipality shall constitute or continue a court or courts of revision under this Act or any special Act after the 31st day of December in the year in which a by-law under section 93a is passed by the county of which the local municipality forms part.

Court of revision for local improvements
R.S.O. 1960,
c. 223

- (8) A court or courts of revision constituted for a local municipality under this section shall be deemed to be the court or courts of revision constituted for the local municipality for the purposes of *The Local Improvement Act*.

Appeals in other local municipalities

- (9) All rights of appeal conferred by this Act upon a person assessed in a township, town or village in a county that has passed a by-law under section 93a may be exercised by such local municipality, or by a person designated by resolution of the council of such local municipality, with respect to an assessment in any other local municipality in the county and with respect to the decision of a court of revision, county judge or the Ontario Municipal Board on any appeal with respect to such assessment and, notwithstanding any other provision in this Act, notice of appeal to the court of revision may be given by such local municipality or by such designated person within twenty-one days after the day upon which the assessment roll with respect to such assessment is returned.

Local municipalities to be given notice of appeals

- (10) Where an appeal is filed in respect of an assessment of land in a township, town or village in a county that has passed a by-law under section 93a, the local municipality shall be given notice of such appeal by the assessment commissioner and is entitled to be heard by the court of revision, county judge, Ontario Municipal Board or any court.

Application of section 56

- 65b. Section 56 applies in each township, town and village in a county that has passed a by-law under section 93a, but, for the purposes of that section, the county council shall be deemed to be the council of each township, town and village in the county.

SECTIONS 9, 10 and 11. The headings in the Act indicating appeals are revised for the purposes of clarification.

SECTION 12. The amendments are to make it clear that the jurisdiction conferred on the assessment tribunals (court of revision, county judge and Ontario Municipal Board) is purely administrative except as to the pre-Confederation powers respecting quantum of assessments and persons wrongfully placed upon or omitted from the assessment rolls.

The new section 87*a* is to provide an expeditious procedure for the judicial determination of any question relating to an assessment except those questions which are within the exclusive jurisdiction of appeal tribunals (court of revision, etc.) because of their pre-Confederation origin.

9. The heading preceding section 72 of *The Assessment Act* is struck out and the following substituted therefor: R.S.O. 1960,
c. 23, s. 72,
heading,
re-enacted

APPEALS TO COURT OF REVISION

10. The heading preceding section 75 of *The Assessment Act* is struck out and the following substituted therefor: R.S.O. 1960,
c. 23, s. 75,
heading,
re-enacted

APPEALS TO COUNTY JUDGE

11. The heading preceding section 83 of *The Assessment Act* is struck out and the following substituted therefor: R.S.O. 1960,
c. 23, s. 83,
heading,
re-enacted

APPEALS TO ONTARIO MUNICIPAL BOARD AND COURT OF APPEAL

12. Sections 85 and 87 of *The Assessment Act* are repealed and the following substituted therefor: R.S.O. 1960
c. 23, s. 85,
repealed;
s. 87,
re-enacted

87.—(1) Upon a complaint or appeal with respect to an assessment, the court of revision, county judge or the Ontario Municipal Board may review the assessment and, for the purpose of such review, has all the powers and functions of the assessor in making an assessment, determination or decision under this Act, and any such assessment, determination or decision made on review by the court of revision, county judge or the Ontario Municipal Board shall, except as provided in subsection 2, be deemed to be an assessment, determination or decision of the assessor and has the same force and effect.

- (2) A decision of the court of revision, county judge or the Ontario Municipal Board with regard to persons alleged to be wrongfully placed upon or omitted from the roll or assessed at too high or too low a sum is final and binding unless appealed in accordance with the provisions of this Act. Decision
re quantum,
etc., final

- (3) For greater certainty, it is hereby declared that the provisions of sections 72, 75 and 83 respecting appeals are intended to establish machinery for the review of an assessment for the purpose of ensuring the administrative integrity of the roll, and, except as provided in subsection 2, such provisions shall not be deemed to affect the right of any person to apply to a superior, county or district court for a judicial determination of any question relating to an assessment. Purpose of
provisions
re appeals

ORIGINATING NOTICES AND OTHER PROCEEDINGS

Application
by
originating
office

87a.—(1) The municipal corporation, the assessor, the assessment commissioner or any person assessed may apply by originating notice to the Supreme Court or to the county court of the county in which the assessment is made for the determination of any question relating to the assessment, except a question as to persons alleged to be wrongfully placed upon or omitted from the roll or assessed at too high or too low a sum.

Service
of notice

(2) The persons to be served with notice under this section shall be the persons assessed in respect of the property relating to the assessment, the assessment commissioner or, if none, the assessor and the clerk of the municipality affected by the assessment.

Time for
notice

(3) No originating notice shall be commenced except within the times for commencing an action or other proceeding set forth in section 88.

Appeal to
Court of
Appeal

(4) An appeal lies to the Court of Appeal from the judgment of the Supreme Court or from the judgment of the county court.

Final
revision of
roll not to
be delayed,
alteration of
roll on Court
of Appeal
judgment

(5) The appeal from any judgment made by the Supreme Court or by a county court on an originating notice given pursuant to this section or the hearing or argument or other proceedings thereon shall not delay the final revision of the assessment roll; but, if by the judgment of the Court of Appeal it appears that any alteration should be made in the assessment roll respecting the assessment in question, the clerk of the municipality shall cause the proper entries to be made in the assessment roll to give effect to the judgment on the originating notice or on appeal therefrom.

Judgment of
court
binding on
court of
revision,
etc.

(6) Notwithstanding that a question of the assessment of any person is pending before a court of revision, a judge of the county court or the Ontario Municipal Board, the judgment of the Supreme Court, the county court or the Court of Appeal shall be given effect to and is binding upon the court of revision, the judge of the county court and the Ontario Municipal Board.

R.S.O. 1960,
c. 23, s. 88,
amended

13. Section 88 of *The Assessment Act* is amended by inserting after "municipality" in the second line "for the collection of arrears of taxes", so that the first four lines of the section shall read as follows:

SECTION 13. The amendment is to make it clear that the proceedings brought by or on behalf of the municipality referred to in this section are for the collection of arrears of taxes.

SECTION 14. The new section 93a authorizes the appointment of a county assessment commissioner and provides for a county-wide assessment under such commissioner.

SECTION 15. The re-enactment of subsections 1 to 3 of section 94 is complementary to the new section 93a providing for the appointment of a county assessment commissioner. As equalization is not necessary when a county-wide assessment is made, this amendment provides for adopting the valuations made by the county assessment commissioner and these valuations are deemed to be the equalized assessments. Also, subsection 3 provides for including in the aggregate valuations for the purpose of ascertaining and apportioning county rates the payments made to municipalities by Canada in lieu of taxes.

88. No action or other proceeding, except an action or other proceeding brought by or on behalf of a municipality for the collection of arrears of taxes, shall be brought in any court with respect to an assessment or taxes based thereon, Limitation of actions in courts

.

14. *The Assessment Act* is amended by adding thereto the following section: R.S.O. 1960, c. 23, amended

- 93a.—(1) The council of a county may, with the unanimous assent of the members thereof, pass a by-law appointing a county assessment commissioner who shall have all the powers, duties and privileges under this and every other Act of an assessor, an assessment commissioner or a county assessor in respect of the county and the townships, towns and villages in the county and who shall be deemed for the purposes of this and every other Act to be the assessor for each of such local municipalities. County assessment commissioner
- (2) An assessment commissioner appointed under this section may employ such assistants and other staff for the performance of his duties as may be authorized by the council of the county. staff
- (3) Where a by-law is passed in any year by the council of a county under this section, the county shall not, after the 31st day of December in that year, appoint or continue to employ a county assessor under section 93, and the townships, towns and villages in the county shall not, after that date, appoint or continue to employ an assessment commissioner or assessors, and, after that date, at the request of the county assessment commissioner, all the books, records and documents relating to the work of the assessment departments of such local municipalities shall be turned over to the county assessment commissioner. Local municipalities not to employ assessors, etc.
- (4) Where a by-law is passed in any year by the council of a county under this section, section 130 does not apply after the 31st day of December of that year in any township, town or village in the county. Application of section 130 in local municipalities
- (5) No by-law passed under this section shall be repealed without the approval of the Minister. Repeal of by-law

15. Subsections 1, 2 and 3 of section 94 of *The Assessment Act* are repealed and the following substituted therefor: R.S.O. 1960, c. 23, s. 94, subss. 1-3, re-enacted

Annual
adoption of
valuations
made by
county
assessment
commis-
sioner and
examination
of assessment
rolls for
purposes of
county rates

(1) On or before the 1st day of July in each year,

(a) the council of a county that has appointed a county assessment commissioner under section 93a shall adopt the valuations of real property and business assessment of each township, town and village in the county made by the county assessment commissioner as finally revised as the aggregate valuations of each such local municipality for the purpose of county rates, and such valuation as adopted shall be deemed to be the equalized assessments for the purposes of this and every other Act; and

(b) the council of every other county shall examine or cause to be examined the assessment rolls made in the preceding year of the different townships, towns and villages in the county for the purpose of ascertaining whether the valuations of real property and business assessment made by the assessors in each township, town or village bear a just relation one to another, and may, by by-law for the purpose of county rates, increase or decrease in any township, town or village the aggregate valuations, adding or deducting so much per cent as may, in their opinion, be necessary to produce a just relation between them, but they shall not reduce the aggregate valuation for the whole county as made by the assessors.

Assessment
equivalent
of mining
revenue
payments
to be
added to
aggregate
valuations

(2) Where in the preceding year a mining municipality has received or becomes entitled to a payment under the regulations made under section 36, an amount shall be calculated by,

(a) multiplying the part of such payment computed under paragraph 1 of subsection 2 of section 36 that was credited to the general funds of the municipality by 1,000; and

(b) dividing the product obtained under clause *a* by the aggregate of the mill rates for general and county purposes levied in that year by the municipality on the types of assessments mentioned in clauses *a*, *b* and *c* of subsection 2 of section 294 of *The Municipal Act*; and

(c) increasing or decreasing the quotient obtained under clause *b* by the same per cent, if any,

SECTION 16. The amendment is complementary to the new section 93a. See section 14 of this Bill.

SECTION 17. The re-enactment of this subsection is for clarification and to permit the use of mechanical equipment in preparing tax notices.

as the aggregate valuations of such municipality made in that year are increased or decreased under subsection 1,

and, for the purpose of county rates, the amount obtained under this subsection shall be added to the aggregate valuations of the municipality as increased or decreased or adopted under subsection 1.

- (3) Where in the preceding year a municipality has received or becomes entitled to a payment in lieu of taxes from the Crown in right of Canada, except payments received under section 245, or from the Crown in right of Ontario or any board, commission, corporation or other agency thereof or The Hydro-Electric Power Commission of Ontario, the valuations of the properties for which such payments are made shall be increased or decreased by the same per cent, if any, as the aggregate valuations of such municipality made in that year are increased or decreased under subsection 1, and for the purpose of county rates the amount so obtained shall also be added to the aggregate valuations of the municipality as increased or decreased or adopted under subsection 1.
- Valuations on which payments in lieu of taxes paid to be added to aggregate valuations

16. Section 96 of *The Assessment Act* is amended by inserting after "council" in the second line "under clause b of subsection 1 of section 94", so that the section, exclusive of the paragraphs, shall read as follows:

R.S.O. 1960, c. 23, s. 96, amended

96. If any municipality is dissatisfied with the action of any county council under clause b of subsection 1 of section 94 in increasing or decreasing, or refusing to increase or decrease, the valuation of any municipality, the proceedings shall be as follows:
- Appeal as to equalization of assessments

.

17. Subsection 3 of section 115 of *The Assessment Act* is repealed and the following substituted therefor:

R.S.O. 1960, c. 23, s. 115, subs. 3, re-enacted

- (3) The written or printed notice above mentioned shall have written or printed thereon or attached thereto a schedule specifying the different rates and the total thereof used in calculating the taxes referred to in the notice and also containing the information required to be entered in the collector's roll under section 110.
- Particulars in tax notice

R.S.O. 1960,
c. 23, s. 131,
subs. 12,
re-enacted

18. Subsection 12 of section 131 of *The Assessment Act* is repealed and the following substituted therefor:

Idem

- (12) A cancellation, reduction or refund under clause *d* of subsection 1 shall be for a proportionate part of the taxes levied on the building assessment based on the number of months in the year or years after the building was razed in respect of which taxes were levied.

R.S.O. 1960,
c. 23, s. 150,
subs. 1,
re-enacted

19. Subsection 1 of section 150 of *The Assessment Act* is repealed and the following substituted therefor:

Interest on
tax arrears

- (1) Notwithstanding any special Act, the treasurer, collector or county treasurer, as the case may be, shall add to the amount of all taxes due and unpaid interest at the rate of not less than one-half of 1 per cent per month and not exceeding two-thirds of 1 per cent per month for each month or fraction thereof from the 31st day of December in the year in which the taxes are levied until the taxes are paid, provided that interest shall not be charged at a rate exceeding one-half of 1 per cent per month unless the amount of all the taxes due and unpaid owing by one person is in excess of \$1,000.

R.S.O. 1960,
c. 23,
Form 2,
amended

20. Form 2 of *The Assessment Act* is amended by striking out the portion headed "Particulars of Amount of Assessment" and inserting in lieu thereof the following:

SECTION 18. The amendment is for the purpose of clarification only.

SECTION 19. The amendment is to permit an increase in the interest payable on arrears of taxes from 6 per cent per annum to 8 per cent per annum. The higher rate is restricted to arrears in excess of \$1,000.

SECTION 20. Form 2 is amended by adding Columns D and E.

Commence-
ment

21.—(1) This Act, except subsection 1 of section 1 and sections 2, 3, 4 and 6, comes into force on the day it receives Royal Assent.

Idem

(2) Sections 2, 3, 4 and 6 shall be deemed to have come into force on the 1st day of January, 1961.

Idem

(3) Subsection 1 of section 1 comes into force on the 1st day of January, 1962.

Short title

22. This Act may be cited as *The Assessment Amendment Act, 1960-61*.

An Act to amend
The Assessment Act

1st Reading

March 2nd, 1961

2nd Reading

March 6th, 1961

3rd Reading

MR. WARRENDER

(Reprinted as amended by the
Committee on Municipal Law)

BILL 100

2ND SESSION, 26TH LEGISLATURE, ONTARIO
9-10 ELIZABETH II, 1960-61

An Act to amend The Assessment Act

MR. WARRENDER

(Reprinted as amended by the Committee of the Whole House)

EXPLANATORY NOTES

SECTION 1—Subsection 1. The amendment provides that the tax exemption of public educational institutions does not apply to privately-owned lands rented or leased by the institution.

Subsection 2. The amendment is to remove any doubt that the tax exemption for municipal property applies to all local boards.

SECTION 2. The amendment provides that persons using land to raise animals for the production of fur are not liable to business assessment.

SECTION 3. The amendment exempts the interest of a timber licensee, lessee or grantee under a licence, lease or agreement issued under *The Crown Timber Act* from taxation under section 34 which provides for the taxation of a tenant of Crown lands.

BILL 100

1960-61

An Act to amend The Assessment Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Paragraph 4 of section 4 of *The Assessment Act* is amended by adding thereto the following clause: R.S.O. 1960,
c. 23, s. 4,
par. 4,
amended

- (a) The exemption from taxation under this paragraph does not apply to lands rented or leased to an educational institution mentioned in this paragraph by any person other than another such institution. When
exemption
not to
apply

(2) Paragraph 9 of the said section 4 is amended by inserting after "commission" in the third line "or local board as defined by *The Department of Municipal Affairs Act*", so that the paragraph shall read as follows: R.S.O. 1960,
c. 23, s. 4,
par. 9,
amended

9. Subject to section 43, the property belonging to any county or municipality or vested in or controlled by any public commission or local board as defined by *The Department of Municipal Affairs Act*, including a municipal parking authority, wherever situate and whether occupied for the purposes thereof or unoccupied but not when occupied by a tenant or lessee. Municipal
property

R.S.O. 1960,
c. 98

2. Subsection 11 of section 9 of *The Assessment Act* is amended by inserting after "honey" in the third line "or for the raising of animals for the production of fur", so that the subsection, exclusive of the clause, shall read as follows: R.S.O. 1960,
c. 23, s. 9,
subs. 11,
amended

- (11) No person occupying or using land as a rooming house, farm, market garden, nursery or for the keeping of bees for the production of honey or for the raising of animals for the production of fur is liable to business assessment in respect of such land. Farmers,
etc.

3. Section 34 of *The Assessment Act* is amended by adding thereto the following subsection: R.S.O. 1960,
c. 23, s. 34,
amended

Application
of timber
licensees,
etc.
R.S.O. 1960,
c. 83

- (5) This section does not apply to the interest of a timber licensee, lessee, grantee or concessionaire in a licence, lease or agreement issued under *The Crown Timber Act*, or to any right in timber cut or to be cut by the holder of, or party to, such licence, lease or agreement, or to such improvements or equipment as lumber camps, tote roads, telephone lines, hoists, logging railways, dams or booms that may be used only temporarily in connection with logging or lumbering operations conducted under such licence, lease or agreement.

R.S.O. 1960,
c. 23, s. 35,
subs. 3,
amended

4.—(1) Subsection 3 of section 35 of *The Assessment Act* is amended by inserting after "farming" in the third line "or used only for farm purposes by a tenant of such an owner" and by inserting after "owner" in the fifth line "or tenant", so that the subsection shall read as follows:

Farm lands
and
buildings

- (3) For the purposes of subsections 2 and 4, in ascertaining the sale value of farm lands used only for farm purposes by the owner thereof whose principal occupation is farming or used only for farm purposes by a tenant of such an owner and buildings thereon used solely for farm purposes, including the residence of the owner or tenant and of his employees and their families on the farm lands, consideration shall be given to the sale value of such lands and buildings for farming purposes only and no consideration shall be given to the sale value of lands and buildings in the vicinity to which this subsection does not apply.

R.S.O. 1960,
c. 23, s. 35,
amended

(2) The said section 35 is amended by adding thereto the following subsection:

Where
owner dies
or retires

- (3a) Where the owner of farm lands entitled to the benefit of subsection 3 dies or retires, the sale value of the lands and buildings in respect of which subsection 3 applies shall be ascertained in the manner provided in subsection 3 in assessing such lands during the period the lands are held by him after his retirement or held by his estate after his death, but in no case beyond the two years immediately following the owner's death or retirement.

R.S.O. 1960,
c. 23, s. 35,
subs. 6,
amended

(3) Subsection 6 of the said section 35 is amended by striking out "*The Mining Tax Act*" in the second line and inserting in lieu thereof "*The Mining Act*", so that the first two lines of the subsection shall read as follows:

Effect of
tax sale
or tax
certificate
registration
R.S.O. 1960,
c. 241

- (6) Where land, the mining rights in which are liable for acreage tax under *The Mining Act*,

.

SECTION 4—Subsection 1. The amendment extends the benefit of the partial exemption to a tenant of farm lands owned by a person whose principal occupation is farming.

Subsection 2. The proposed amendment is to extend the benefit of the section to owners who retire and to the estates of deceased owners.

Subsection 3. The section refers to acreage tax under *The Mining Tax Act*. This tax provision was transferred to *The Mining Act* and the reference is, therefore, corrected.

Subsection 4. By reason of subsection 6 of section 35, there is a severance of mineral and surface rights when lands, the mining rights in which were liable to acreage tax under *The Mining Act*, become vested in a municipality upon a tax sale or the filing of a tax arrears certificate. The new subsection authorizes the purchase by the Crown of such lands in mining municipalities that are vested in the municipalities by virtue of a tax sale or by the registration of a tax arrears certificate.

SECTION 5. A review of the rates for the assessment of pipe lines is required under subsection 15 to be carried out in 1960. The amendment requires the review to be made in 1961.

SECTION 6. This amendment is required to provide that supplementary levies shall be apportioned on the same basis when the costs of a high school district must be shared on a fixed annual percentage basis under an award of a board of arbitrators or the Ontario Municipal Board as is now provided when the costs are to be shared on a fixed annual percentage basis under an agreement.

SECTION 7. At present a county court of revision may not deal with applications for cancellation, reduction or refund of taxes made under section 131. Section 132 deals with an increase in taxes on application of the municipality. The amendment provides that a county court of revision shall not deal with applications under section 132.

(4) The said section 35 is further amended by adding thereto the following subsection: R.S.O. 1960,
c. 23, s. 35,
amended

(7a) Where lands mentioned in subsection 6 or 7 are, under the provisions of this Act or *The Department of Municipal Affairs Act*, vested in a mining municipality designated under section 36, the Crown in right of Ontario may purchase such lands at a price not exceeding \$3 an acre. Purchase by Crown of lands vested in municipalities under subs. 6, 7
R.S.O. 1960,
c. 98

5. Subsection 15 of section 41 of *The Assessment Act* is amended by striking out "1960" in the second line and inserting in lieu thereof "1961", so that the subsection shall read as follows: R.S.O. 1960,
c. 23, s. 41,
subs. 15,
amended

(15) The rates set out in subsection 5 shall be reviewed by the Minister in the year 1961 and every third year thereafter and in any such year the Lieutenant Governor in Council may by regulation amend or re-enact the table of rates set out in subsection 5. Review of rates

6. Clause *d* of subsection 5 of section 53 of *The Assessment Act* is amended by inserting after "agreement" in the third line "or an award of a board of arbitrators or the Ontario Municipal Board", so that the clause shall read as follows: R.S.O. 1960,
c. 23, s. 53,
subs. 5,
cl. d,
amended

(d) notwithstanding clauses *a* and *b*, where in a high school district a municipality is required under an agreement or an award of a board of arbitrators or the Ontario Municipal Board to pay over to the high school board a fixed annual percentage of the costs of the erection or maintenance of a school or schools, it is not necessary for the municipality to pay over an amount to the high school board as required by clauses *a* and *b*, but the municipality shall set up a credit of the amounts that would but for this clause have been paid over to the board, which credit shall be used to reduce the levy for the board in the following year.

7. Subsection 1 of section 65 of *The Assessment Act* is amended by inserting after "131" in the fifth line "132", so that the subsection shall read as follows: R.S.O. 1960,
c. 23, s. 65,
subs. 1,
amended

(1) Where a county assessor is appointed under section 93, the council of the county may establish a county court of revision to act in lieu of the court of revision referred to in section 64 on assessment appeals, but the county court of revision shall not deal with applications under section 131, 132, 143, 145 or 244 of this Act or appeals under any other Act. County court of revision

R.S.O. 1960, c. 23, amended **8. *The Assessment Act*** is amended by adding thereto the following sections:

Courts of revision under county assessment commissioner

65a.—(1) Where a by-law under section 93a is in effect in a county, the council of the county shall constitute by by-law one or more courts of revision for each township, town and village in the county.

Members

(2) Each such court of revision shall consist of one or three members, as the by-law may provide, and each member of a court of revision shall be appointed by by-law and shall hold office during pleasure of the county council.

Idem

(3) A member of a court of revision constituted under this section for one local municipality may also be appointed a member of a court of revision constituted for one or more other local municipalities.

Persons disqualified as members

(4) No person who is or during the preceding year was,

(a) a member of the council of a township, town or village in the county; or

(b) an officer or employee, other than a member of a court of revision, of such a local municipality or of the county,

may be appointed or hold office as a member of a court of revision constituted under this section.

Quorum

(5) Where a court of revision consists of three members, two members are a quorum.

Remuneration of members

(6) Each member of a court of revision shall be paid such sum for his services as the county council may by by-law provide.

Courts of revision under this section deemed courts of local municipalities

(7) A court or courts of revision constituted for a local municipality under this section shall be deemed for the purposes of this and every other Act to be the court or courts of revision for the local municipality, and no such local municipality shall constitute or continue a court or courts of revision under this Act or any special Act after the 31st day of December in the year in which a by-law under section 93a is passed by the county of which the local municipality forms part.

Court of revision for local improvements
R.S.O. 1960, c. 223

(8) A court or courts of revision constituted for a local municipality under this section shall be deemed to be the court or courts of revision constituted for the local municipality for the purposes of *The Local Improvement Act*.

SECTION 8. These amendments are complementary to the new section 93a which permits counties to establish a single county-wide assessment which in effect consolidates the separate assessment functions of each of the local municipalities with the assessment of the county.

SECTIONS 9, 10 and 11. The headings in the Act indicating appeals are revised for the purposes of clarification.

SECTION 12. The amendments are to make it clear that the jurisdiction conferred on the assessment tribunals (court of revision, county judge and Ontario Municipal Board) is purely administrative except as to the pre-Confederation powers respecting quantum of assessments and persons wrongfully placed upon or omitted from the assessment rolls.

The new section 87*a* is to provide an expeditious procedure for the judicial determination of any question relating to an assessment except those questions which are within the exclusive jurisdiction of appeal tribunals (court of revision, etc.) because of their pre-Confederation origin.

(9) All rights of appeal conferred by this Act upon a person assessed in a township, town or village in a county that has passed a by-law under section 93a may be exercised by such local municipality, or by a person designated by resolution of the council of such local municipality, with respect to an assessment in any other local municipality in the county and with respect to the decision of a court of revision, county judge or the Ontario Municipal Board on any appeal with respect to such assessment and, notwithstanding any other provision in this Act, notice of appeal to the court of revision may be given by such local municipality or by such designated person within twenty-one days after the day upon which the assessment roll with respect to such assessment is returned.

Appeals in
other local
municipalities

(10) Where an appeal is filed in respect of an assessment of land in a township, town or village in a county that has passed a by-law under section 93a, the local municipality shall be given notice of such appeal by the assessment commissioner and is entitled to be heard by the court of revision, county judge, Ontario Municipal Board or any court.

Local
municipalities to
be given
notice of
appeals

65b. Section 56 applies in each township, town and village in a county that has passed a by-law under section 93a, but, for the purposes of that section, the county council shall be deemed to be the council of each township, town and village in the county.

Application
of section 56

9. The heading preceding section 72 of *The Assessment Act* is struck out and the following substituted therefor:

R.S.O. 1960,
c. 23, s. 72,
heading,
re-enacted

APPEALS TO COURT OF REVISION

10. The heading preceding section 75 of *The Assessment Act* is struck out and the following substituted therefor:

R.S.O. 1960,
c. 23, s. 75,
heading,
re-enacted

APPEALS TO COUNTY JUDGE

11. The heading preceding section 83 of *The Assessment Act* is struck out and the following substituted therefor:

R.S.O. 1960,
c. 23, s. 83,
heading,
re-enacted

APPEALS TO ONTARIO MUNICIPAL BOARD AND COURT OF APPEAL

12. Sections 85 and 87 of *The Assessment Act* are repealed and the following substituted therefor:

R.S.O. 1960
c. 23, s. 85,
repealed;
s. 87,
re-enacted

Powers and
functions
of court of
revision,
county
judge,
Ontario
Municipal
Board

87.—(1) Upon a complaint or appeal with respect to an assessment, the court of revision, county judge or the Ontario Municipal Board may review the assessment and, for the purpose of such review, has all the powers and functions of the assessor in making an assessment, determination or decision under this Act, and any such assessment, determination or decision made on review by the court of revision, county judge or the Ontario Municipal Board shall, except as provided in subsection 2, be deemed to be an assessment, determination or decision of the assessor and has the same force and effect.

Decision
re quantum,
etc., final

(2) A decision of the court of revision, county judge or the Ontario Municipal Board with regard to persons alleged to be wrongfully placed upon or omitted from the roll or assessed at too high or too low a sum is final and binding unless appealed in accordance with the provisions of this Act.

Purpose of
provisions
re appeals

(3) For greater certainty, it is hereby declared that the provisions of sections 72, 75 and 83 respecting appeals are intended to establish machinery for the review of an assessment for the purpose of ensuring the administrative integrity of the roll, and, except as provided in subsection 2, such provisions shall not be deemed to affect the right of any person to apply to a superior, county or district court for a judicial determination of any question relating to an assessment.

ORIGINATING NOTICES AND OTHER PROCEEDINGS

Application
by
originating
office

87a.—(1) The municipal corporation, the assessor, the assessment commissioner or any person assessed may apply by originating notice to the Supreme Court or to the county court of the county in which the assessment is made for the determination of any question relating to the assessment, except a question as to persons alleged to be wrongfully placed upon or omitted from the roll or assessed at too high or too low a sum.

Service
of notice

(2) The persons to be served with notice under this section shall be the persons assessed in respect of the property relating to the assessment, the assessment commissioner or, if none, the assessor and the clerk of the municipality affected by the assessment.

Time for
notice

(3) No originating notice shall be commenced except within the times for commencing an action or other proceeding set forth in section 88.

SECTION 13. The amendment is to make it clear that the proceedings brought by or on behalf of the municipality referred to in this section are for the collection of arrears of taxes.

SECTION 14. The new section 93a authorizes the appointment of a county assessment commissioner and provides for a county-wide assessment under such commissioner.

- (4) An appeal lies to the Court of Appeal from the judgment of the Supreme Court or from the judgment of the county court. Appeal to Court of Appeal
- (5) The appeal from any judgment made by the Supreme Court or by a county court on an originating notice given pursuant to this section or the hearing or argument or other proceedings thereon shall not delay the final revision of the assessment roll; but, if by the judgment of the Court of Appeal it appears that any alteration should be made in the assessment roll respecting the assessment in question, the clerk of the municipality shall cause the proper entries to be made in the assessment roll to give effect to the judgment on the originating notice or on appeal therefrom. Final revision of roll not to be delayed, alteration of roll on Court of Appeal judgment
- (6) Notwithstanding that a question of the assessment of any person is pending before a court of revision, a judge of the county court or the Ontario Municipal Board, the judgment of the Supreme Court, the county court or the Court of Appeal shall be given effect to and is binding upon the court of revision, the judge of the county court and the Ontario Municipal Board. Judgment of court binding on court of revision, etc.

13. Section 88 of *The Assessment Act* is amended by inserting after "municipality" in the second line "for the collection of arrears of taxes", so that the first four lines of the section shall read as follows: R.S.O. 1960, c. 23, s. 88, amended

88. No action or other proceeding, except an action or other proceeding brought by or on behalf of a municipality for the collection of arrears of taxes, shall be brought in any court with respect to an assessment or taxes based thereon, Limitation of actions in courts
-

14. *The Assessment Act* is amended by adding thereto the following section: R.S.O. 1960, c. 23, amended

- 93a.—(1) The council of a county may, with the unanimous assent of the members thereof, pass a by-law appointing a county assessment commissioner who shall have all the powers, duties and privileges under this and every other Act of an assessor, an assessment commissioner or a county assessor in respect of the county and the townships, towns and villages in the county and who shall be deemed for the purposes of this and every other Act to be the assessor for each of such local municipalities. County assessment commissioner

Staff

- (2) An assessment commissioner appointed under this section may employ such assistants and other staff for the performance of his duties as may be authorized by the council of the county.

Local municipalities not to employ assessors, etc.

- (3) Where a by-law is passed in any year by the council of a county under this section, the county shall not, after the 31st day of December in that year, appoint or continue to employ a county assessor under section 93, and the townships, towns and villages in the county shall not, after that date, appoint or continue to employ an assessment commissioner or assessors, and, after that date, at the request of the county assessment commissioner, all the books, records and documents relating to the work of the assessment departments of such local municipalities shall be turned over to the county assessment commissioner.

Application of section 130 in local municipalities

- (4) Where a by-law is passed in any year by the council of a county under this section, section 130 does not apply after the 31st day of December of that year in any township, town or village in the county.

Repeal of by-law

- (5) No by-law passed under this section shall be repealed without the approval of the Minister.

R.S.O. 1960, c. 23, s. 94, subss. 1-3, re-enacted

15. Subsections 1, 2 and 3 of section 94 of *The Assessment Act* are repealed and the following substituted therefor:

Annual adoption of valuations made by county assessment commissioner and examination of assessment rolls for purposes of county rates

- (1) On or before the 1st day of July in each year,
- (a) the council of a county that has appointed a county assessment commissioner under section 93a shall adopt the valuations of real property and business assessment of each township, town and village in the county made by the county assessment commissioner as finally revised as the aggregate valuations of each such local municipality for the purpose of county rates, and such valuation as adopted shall be deemed to be the equalized assessments for the purposes of this and every other Act; and
 - (b) the council of every other county shall examine or cause to be examined the assessment rolls made in the preceding year of the different townships, towns and villages in the county for the purpose of ascertaining whether the valuations of real property and business assessment made by the assessors in each township, town or village bear a just relation

SECTION 15. The re-enactment of subsections 1 to 3 of section 94 is complementary to the new section 93a providing for the appointment of a county assessment commissioner. As equalization is not necessary when a county-wide assessment is made, this amendment provides for adopting the valuations made by the county assessment commissioner and these valuations are deemed to be the equalized assessments. Also, subsection 3 provides for including in the aggregate valuations for the purpose of ascertaining and apportioning county rates the payments made to municipalities by Canada in lieu of taxes.

one to another, and may, by by-law for the purpose of county rates, increase or decrease in any township, town or village the aggregate valuations, adding or deducting so much per cent as may, in their opinion, be necessary to produce a just relation between them, but they shall not reduce the aggregate valuation for the whole county as made by the assessors.

- (2) Where in the preceding year a mining municipality has received or becomes entitled to a payment under the regulations made under section 36, an amount shall be calculated by, Assessment equivalent of mining revenue payments to be added to aggregate valuations
- (a) multiplying the part of such payment computed under paragraph 1 of subsection 2 of section 36 that was credited to the general funds of the municipality by 1,000; and
 - (b) dividing the product obtained under clause *a* by the aggregate of the mill rates for general and county purposes levied in that year by the municipality on the types of assessments mentioned in clauses *a*, *b* and *c* of subsection 2 of section 294 of *The Municipal Act*; and R.S.O. 1960, c. 249
 - (c) increasing or decreasing the quotient obtained under clause *b* by the same per cent, if any, as the aggregate valuations of such municipality made in that year are increased or decreased under subsection 1,

and, for the purpose of county rates, the amount obtained under this subsection shall be added to the aggregate valuations of the municipality as increased or decreased or adopted under subsection 1.

- (3) Where in the preceding year a municipality has received or becomes entitled to a payment in lieu of taxes from the Crown in right of Canada, except payments received under section 245, or from the Crown in right of Ontario or any board, commission, corporation or other agency thereof or The Hydro-Electric Power Commission of Ontario, the valuations of the properties for which such payments are made shall be increased or decreased by the same per cent, if any, as the aggregate valuations of such municipality made in that year are increased or decreased under subsection 1, and for the purpose of county rates the amount so obtained shall also be added to the aggregate valuations of the municipality as increased or decreased or adopted under subsection 1. Valuations on which payments in lieu of taxes paid to be added to aggregate valuations

R.S.O. 1960,
c. 23, s. 96,
amended

16. Section 96 of *The Assessment Act* is amended by inserting after "council" in the second line "under clause *b* of subsection 1 of section 94", so that the section, exclusive of the paragraphs, shall read as follows:

Appeal as to
equalization
of assess-
ments

96. If any municipality is dissatisfied with the action of any county council under clause *b* of subsection 1 of section 94 in increasing or decreasing, or refusing to increase or decrease, the valuation of any municipality, the proceedings shall be as follows:

.

R.S.O. 1960,
c. 23, s. 115,
subs. 3,
re-enacted

17. Subsection 3 of section 115 of *The Assessment Act* is repealed and the following substituted therefor:

Particulars
in tax notice

(3) The written or printed notice above mentioned shall have written or printed thereon or attached thereto a schedule specifying the different rates and the total thereof used in calculating the taxes referred to in the notice and also containing the information required to be entered in the collector's roll under section 110.

R.S.O. 1960,
c. 23, s. 131,
subs. 12,
re-enacted

18. Subsection 12 of section 131 of *The Assessment Act* is repealed and the following substituted therefor:

Idem

(12) A cancellation, reduction or refund under clause *d* of subsection 1 shall be for a proportionate part of the taxes levied on the building assessment based on the number of months in the year or years after the building was razed in respect of which taxes were levied.

R.S.O. 1960,
c. 23, s. 150,
subs. 1,
re-enacted

19. Subsection 1 of section 150 of *The Assessment Act* is repealed and the following substituted therefor:

Interest on
tax arrears

(1) Notwithstanding any special Act, the treasurer, collector or county treasurer, as the case may be, shall add to the amount of all taxes due and unpaid interest at the rate of not less than one-half of 1 per cent per month and not exceeding two-thirds of 1 per cent per month for each month or fraction thereof from the 31st day of December in the year in which the taxes are levied until the taxes are paid, provided that interest shall not be charged at a rate exceeding one-half of 1 per cent per month unless the amount of all the taxes due and unpaid owing by one person is in excess of \$1,000.

R.S.O. 1960,
c. 23,
Form 2,
amended

20. Form 2 of *The Assessment Act* is amended by striking out the portion headed "Particulars of Amount of Assessment" and inserting in lieu thereof the following:

SECTION 16. The amendment is complementary to the new section 93a. See section 14 of this Bill.

SECTION 17. The re-enactment of this subsection is for clarification and to permit the use of mechanical equipment in preparing tax notices.

SECTION 18. The amendment is for the purpose of clarification only.

SECTION 19. The amendment is to permit an increase in the interest payable on arrears of taxes from 6 per cent per annum to 8 per cent per annum. The higher rate is restricted to arrears in excess of \$1,000.

SECTION 20. Form 2 is amended by adding Columns D and E.

PARTICULARS OF AMOUNT OF ASSESSMENT

[illegible]

- Commence-
ment** **21.**—(1) This Act, except subsection 1 of section 1 and sections 2, 3, 4 and 6, comes into force on the day it receives Royal Assent.
- Idem** (2) Sections 2, 3, 4 and 6 shall be deemed to have come into force on the 1st day of January, 1961.
- Idem** (3) Subsection 1 of section 1 comes into force on the 1st day of January, 1962.
- Short title** **22.** This Act may be cited as *The Assessment Amendment Act, 1960-61*.

An Act to amend
The Assessment Act

1st Reading

March 2nd, 1961

2nd Reading

March 6th, 1961

3rd Reading

MR. WARRENDER

(Reprinted as amended by the
Committee of the Whole House)

BILL 100

2ND SESSION, 26TH LEGISLATURE, ONTARIO
9-10 ELIZABETH II, 1960-61

An Act to amend The Assessment Act

MR. WARRENDER

BILL 100

1960-61

An Act to amend The Assessment Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Paragraph 4 of section 4 of *The Assessment Act* is amended by adding thereto the following clause: R.S.O. 1960,
c. 23, s. 4,
par. 4,
amended

- (a) The exemption from taxation under this paragraph does not apply to lands rented or leased to an educational institution mentioned in this paragraph by any person other than another such institution. When
exemption
not to
apply

(2) Paragraph 9 of the said section 4 is amended by inserting after "commission" in the third line "or local board as defined by *The Department of Municipal Affairs Act*", so that the paragraph shall read as follows: R.S.O. 1960,
c. 23, s. 4,
par. 9,
amended

9. Subject to section 43, the property belonging to any county or municipality or vested in or controlled by any public commission or local board as defined by *The Department of Municipal Affairs Act*, including a municipal parking authority, wherever situate and whether occupied for the purposes thereof or unoccupied but not when occupied by a tenant or lessee. Municipal
property
R.S.O. 1960,
c. 98

2. Subsection 11 of section 9 of *The Assessment Act* is amended by inserting after "honey" in the third line "or for the raising of animals for the production of fur", so that the subsection, exclusive of the clause, shall read as follows: R.S.O. 1960,
c. 23, s. 9,
subs. 11,
amended

- (11) No person occupying or using land as a rooming house, farm, market garden, nursery or for the keeping of bees for the production of honey or for the raising of animals for the production of fur is liable to business assessment in respect of such land. Farmers,
etc.

3. Section 34 of *The Assessment Act* is amended by adding thereto the following subsection: R.S.O. 1960,
c. 23, s. 34,
amended

Application
of timber
licensees,
etc.
R.S.O. 1960,
c. 83

- (5) This section does not apply to the interest of a timber licensee, lessee, grantee or concessionaire in a licence, lease or agreement issued under *The Crown Timber Act*, or to any right in timber cut or to be cut by the holder of, or party to, such licence, lease or agreement, or to such improvements or equipment as lumber camps, tote roads, telephone lines, hoists, logging railways, dams or booms that may be used only temporarily in connection with logging or lumbering operations conducted under such licence, lease or agreement.

R.S.O. 1960,
c. 23, s. 35,
subs. 3,
amended

- 4.—(1) Subsection 3 of section 35 of *The Assessment Act* is amended by inserting after “farming” in the third line “or used only for farm purposes by a tenant of such an owner” and by inserting after “owner” in the fifth line “or tenant”, so that the subsection shall read as follows:

Farm lands
and
buildings

- (3) For the purposes of subsections 2 and 4, in ascertaining the sale value of farm lands used only for farm purposes by the owner thereof whose principal occupation is farming or used only for farm purposes by a tenant of such an owner and buildings thereon used solely for farm purposes, including the residence of the owner or tenant and of his employees and their families on the farm lands, consideration shall be given to the sale value of such lands and buildings for farming purposes only and no consideration shall be given to the sale value of lands and buildings in the vicinity to which this subsection does not apply.

R.S.O. 1960,
c. 23, s. 35,
amended

- (2) The said section 35 is amended by adding thereto the following subsection:

Where
owner dies
or retires

- (3a) Where the owner of farm lands entitled to the benefit of subsection 3 dies or retires, the sale value of the lands and buildings in respect of which subsection 3 applies shall be ascertained in the manner provided in subsection 3 in assessing such lands during the period the lands are held by him after his retirement or held by his estate after his death, but in no case beyond the two years immediately following the owner's death or retirement.

R.S.O. 1960,
c. 23, s. 35,
subs. 6,
amended

- (3) Subsection 6 of the said section 35 is amended by striking out “*The Mining Tax Act*” in the second line and inserting in lieu thereof “*The Mining Act*”, so that the first two lines of the subsection shall read as follows:

Effect of
tax sale
or tax
certificate
registration
R.S.O. 1960,
c. 241

- (6) Where land, the mining rights in which are liable for acreage tax under *The Mining Act*,

.

(4) The said section 35 is further amended by adding thereto the following subsection: R.S.O. 1960,
c. 23, s. 35,
amended

(7a) Where lands mentioned in subsection 6 or 7 are, under the provisions of this Act or *The Department of Municipal Affairs Act*, vested in a mining municipality designated under section 36, the Crown in right of Ontario may purchase such lands at a price not exceeding \$3 an acre. Purchase by
Crown of
lands vested
in munici-
palities
under
subss. 6, 7
R.S.O. 1960,
c. 98

5. Subsection 15 of section 41 of *The Assessment Act* is amended by striking out "1960" in the second line and inserting in lieu thereof "1961", so that the subsection shall read as follows: R.S.O. 1960,
c. 23, s. 41,
subs. 15,
amended

(15) The rates set out in subsection 5 shall be reviewed by the Minister in the year 1961 and every third year thereafter and in any such year the Lieutenant Governor in Council may by regulation amend or re-enact the table of rates set out in subsection 5. Review
of rates

6. Clause *d* of subsection 5 of section 53 of *The Assessment Act* is amended by inserting after "agreement" in the third line "or an award of a board of arbitrators or the Ontario Municipal Board", so that the clause shall read as follows: R.S.O. 1960,
c. 23, s. 53,
subs. 5,
cl. *d*,
amended

(*d*) notwithstanding clauses *a* and *b*, where in a high school district a municipality is required under an agreement or an award of a board of arbitrators or the Ontario Municipal Board to pay over to the high school board a fixed annual percentage of the costs of the erection or maintenance of a school or schools, it is not necessary for the municipality to pay over an amount to the high school board as required by clauses *a* and *b*, but the municipality shall set up a credit of the amounts that would but for this clause have been paid over to the board, which credit shall be used to reduce the levy for the board in the following year.

7. Subsection 1 of section 65 of *The Assessment Act* is amended by inserting after "131" in the fifth line "132", so that the subsection shall read as follows: R.S.O. 1960,
c. 23, s. 65,
subs. 1,
amended

(1) Where a county assessor is appointed under section 93, the council of the county may establish a county court of revision to act in lieu of the court of revision referred to in section 64 on assessment appeals, but the county court of revision shall not deal with applications under section 131, 132, 143, 145 or 244 of this Act or appeals under any other Act. County
court of
revision

R.S.O. 1960,
c. 23,
amended

8. *The Assessment Act* is amended by adding thereto the following sections:

Courts of
revision
under county
assessment
commis-
sioner

65a.—(1) Where a by-law under section 93a is in effect in a county, the council of the county shall constitute by by-law one or more courts of revision for each township, town and village in the county.

Members

(2) Each such court of revision shall consist of one or three members, as the by-law may provide, and each member of a court of revision shall be appointed by by-law and shall hold office during pleasure of the county council.

Idem

(3) A member of a court of revision constituted under this section for one local municipality may also be appointed a member of a court of revision constituted for one or more other local municipalities.

Persons
disqualified
as members

(4) No person who is or during the preceding year was,
(a) a member of the council of a township, town or village in the county; or
(b) an officer or employee, other than a member of a court of revision, of such a local municipality or of the county,

may be appointed or hold office as a member of a court of revision constituted under this section.

Quorum

(5) Where a court of revision consists of three members, two members are a quorum.

Remunera-
tion of
members

(6) Each member of a court of revision shall be paid such sum for his services as the county council may by by-law provide.

Courts of
revision
under this
section
deemed
courts
of local
muni-
cipalities

(7) A court or courts of revision constituted for a local municipality under this section shall be deemed for the purposes of this and every other Act to be the court or courts of revision for the local municipality, and no such local municipality shall constitute or continue a court or courts of revision under this Act or any special Act after the 31st day of December in the year in which a by-law under section 93a is passed by the county of which the local municipality forms part.

Court of
revision
for local
improve-
ments
R.S.O. 1960,
c. 223

(8) A court or courts of revision constituted for a local municipality under this section shall be deemed to be the court or courts of revision constituted for the local municipality for the purposes of *The Local Improvement Act*.

- (9) All rights of appeal conferred by this Act upon a person assessed in a township, town or village in a county that has passed a by-law under section 93a may be exercised by such local municipality, or by a person designated by resolution of the council of such local municipality, with respect to an assessment in any other local municipality in the county and with respect to the decision of a court of revision, county judge or the Ontario Municipal Board on any appeal with respect to such assessment and, notwithstanding any other provision in this Act, notice of appeal to the court of revision may be given by such local municipality or by such designated person within twenty-one days after the day upon which the assessment roll with respect to such assessment is returned.

Appeals in other local municipalities

- (10) Where an appeal is filed in respect of an assessment of land in a township, town or village in a county that has passed a by-law under section 93a, the local municipality shall be given notice of such appeal by the assessment commissioner and is entitled to be heard by the court of revision, county judge, Ontario Municipal Board or any court.

Local municipalities to be given notice of appeals

- 65b. Section 56 applies in each township, town and village in a county that has passed a by-law under section 93a, but, for the purposes of that section, the county council shall be deemed to be the council of each township, town and village in the county.

Application of section 56

9. The heading preceding section 72 of *The Assessment Act* is struck out and the following substituted therefor:

R.S.O. 1960, c. 23, s. 72, heading, re-enacted

APPEALS TO COURT OF REVISION

10. The heading preceding section 75 of *The Assessment Act* is struck out and the following substituted therefor:

R.S.O. 1960, c. 23, s. 75, heading, re-enacted

APPEALS TO COUNTY JUDGE

11. The heading preceding section 83 of *The Assessment Act* is struck out and the following substituted therefor:

R.S.O. 1960, c. 23, s. 83, heading, re-enacted

APPEALS TO ONTARIO MUNICIPAL BOARD AND COURT OF APPEAL

12. Sections 85 and 87 of *The Assessment Act* are repealed and the following substituted therefor:

R.S.O. 1960 c. 23, s. 85 repealed; s. 87, re-enacted

Powers and
functions
of court of
revision,
county
judge,
Ontario
Municipal
Board

87.—(1) Upon a complaint or appeal with respect to an assessment, the court of revision, county judge or the Ontario Municipal Board may review the assessment and, for the purpose of such review, has all the powers and functions of the assessor in making an assessment, determination or decision under this Act, and any such assessment, determination or decision made on review by the court of revision, county judge or the Ontario Municipal Board shall, except as provided in subsection 2, be deemed to be an assessment, determination or decision of the assessor and has the same force and effect.

Decision
re quantum,
etc., final

(2) A decision of the court of revision, county judge or the Ontario Municipal Board with regard to persons alleged to be wrongfully placed upon or omitted from the roll or assessed at too high or too low a sum is final and binding unless appealed in accordance with the provisions of this Act.

Purpose of
provisions
re appeals

(3) For greater certainty, it is hereby declared that the provisions of sections 72, 75 and 83 respecting appeals are intended to establish machinery for the review of an assessment for the purpose of ensuring the administrative integrity of the roll, and, except as provided in subsection 2, such provisions shall not be deemed to affect the right of any person to apply to a superior, county or district court for a judicial determination of any question relating to an assessment.

ORIGINATING NOTICES AND OTHER PROCEEDINGS

Application
by
originating
office

87a.—(1) The municipal corporation, the assessor, the assessment commissioner or any person assessed may apply by originating notice to the Supreme Court or to the county court of the county in which the assessment is made for the determination of any question relating to the assessment, except a question as to persons alleged to be wrongfully placed upon or omitted from the roll or assessed at too high or too low a sum.

Service
of notice

(2) The persons to be served with notice under this section shall be the persons assessed in respect of the property relating to the assessment, the assessment commissioner or, if none, the assessor and the clerk of the municipality affected by the assessment.

Time for
notice

(3) No originating notice shall be commenced except within the times for commencing an action or other proceeding set forth in section 88.

- (4) An appeal lies to the Court of Appeal from the judgment of the Supreme Court or from the judgment of the county court. Appeal to Court of Appeal
- (5) The appeal from any judgment made by the Supreme Court or by a county court on an originating notice given pursuant to this section or the hearing or argument or other proceedings thereon shall not delay the final revision of the assessment roll; but, if by the judgment of the Court of Appeal it appears that any alteration should be made in the assessment roll respecting the assessment in question, the clerk of the municipality shall cause the proper entries to be made in the assessment roll to give effect to the judgment on the originating notice or on appeal therefrom. Final revision of roll not to be delayed, alteration of roll on Court of Appeal judgment
- (6) Notwithstanding that a question of the assessment of any person is pending before a court of revision, a judge of the county court or the Ontario Municipal Board, the judgment of the Supreme Court, the county court or the Court of Appeal shall be given effect to and is binding upon the court of revision, the judge of the county court and the Ontario Municipal Board. Judgment of court binding on court of revision, etc.

13. Section 88 of *The Assessment Act* is amended by inserting after "municipality" in the second line "for the collection of arrears of taxes", so that the first four lines of the section shall read as follows: R.S.O. 1960 c. 23, s. 88, amended

88. No action or other proceeding, except an action or other proceeding brought by or on behalf of a municipality for the collection of arrears of taxes, shall be brought in any court with respect to an assessment or taxes based thereon, Limitation of actions in courts

14. *The Assessment Act* is amended by adding thereto the following section: R.S.O. 1960, c. 23, amended

- 93a.—(1) The council of a county may, with the unanimous assent of the members thereof, pass a by-law appointing a county assessment commissioner who shall have all the powers, duties and privileges under this and every other Act of an assessor, an assessment commissioner or a county assessor in respect of the county and the townships, towns and villages in the county and who shall be deemed for the purposes of this and every other Act to be the assessor for each of such local municipalities. County assessment commissioner

Staff

- (2) An assessment commissioner appointed under this section may employ such assistants and other staff for the performance of his duties as may be authorized by the council of the county.

Local municipalities not to employ assessors, etc.

- (3) Where a by-law is passed in any year by the council of a county under this section, the county shall not, after the 31st day of December in that year, appoint or continue to employ a county assessor under section 93, and the townships, towns and villages in the county shall not, after that date, appoint or continue to employ an assessment commissioner or assessors, and, after that date, at the request of the county assessment commissioner, all the books, records and documents relating to the work of the assessment departments of such local municipalities shall be turned over to the county assessment commissioner.

Application of section 130 in local municipalities

- (4) Where a by-law is passed in any year by the council of a county under this section, section 130 does not apply after the 31st day of December of that year in any township, town or village in the county.

Repeal of by-law

- (5) No by-law passed under this section shall be repealed without the approval of the Minister.

R.S.O. 1960, c. 23, s. 94, subss. 1-3, re-enacted

15. Subsections 1, 2 and 3 of section 94 of *The Assessment Act* are repealed and the following substituted therefor:

Annual adoption of valuations made by county assessment commissioner and examination of assessment rolls for purposes of county rates

- (1) On or before the 1st day of July in each year,
- (a) the council of a county that has appointed a county assessment commissioner under section 93a shall adopt the valuations of real property and business assessment of each township, town and village in the county made by the county assessment commissioner as finally revised as the aggregate valuations of each such local municipality for the purpose of county rates, and such valuation as adopted shall be deemed to be the equalized assessments for the purposes of this and every other Act; and
- (b) the council of every other county shall examine or cause to be examined the assessment rolls made in the preceding year of the different townships, towns and villages in the county for the purpose of ascertaining whether the valuations of real property and business assessment made by the assessors in each township, town or village bear a just relation

one to another, and may, by by-law for the purpose of county rates, increase or decrease in any township, town or village the aggregate valuations, adding or deducting so much per cent as may, in their opinion, be necessary to produce a just relation between them, but they shall not reduce the aggregate valuation for the whole county as made by the assessors.

- (2) Where in the preceding year a mining municipality has received or becomes entitled to a payment under the regulations made under section 36, an amount shall be calculated by,
- Assessment equivalent of mining revenue payments to be added to aggregate valuations
- (a) multiplying the part of such payment computed under paragraph 1 of subsection 2 of section 36 that was credited to the general funds of the municipality by 1,000; and
 - (b) dividing the product obtained under clause *a* by the aggregate of the mill rates for general and county purposes levied in that year by the municipality on the types of assessments mentioned in clauses *a*, *b* and *c* of subsection 2 of section 294 of *The Municipal Act*; and
 - (c) increasing or decreasing the quotient obtained under clause *b* by the same per cent, if any, as the aggregate valuations of such municipality made in that year are increased or decreased under subsection 1,

R.S.O. 1960,
c. 249

and, for the purpose of county rates, the amount obtained under this subsection shall be added to the aggregate valuations of the municipality as increased or decreased or adopted under subsection 1.

- (3) Where in the preceding year a municipality has received or becomes entitled to a payment in lieu of taxes from the Crown in right of Canada, except payments received under section 245, or from the Crown in right of Ontario or any board, commission, corporation or other agency thereof or The Hydro-Electric Power Commission of Ontario, the valuations of the properties for which such payments are made shall be increased or decreased by the same per cent, if any, as the aggregate valuations of such municipality made in that year are increased or decreased under subsection 1, and for the purpose of county rates the amount so obtained shall also be added to the aggregate valuations of the municipality as increased or decreased or adopted under subsection 1.
- Valuations on which payments in lieu of taxes paid to be added to aggregate valuations

R.S.O. 1960,
c. 23, s. 96,
amended

16. Section 96 of *The Assessment Act* is amended by inserting after "council" in the second line "under clause *b* of subsection 1 of section 94", so that the section, exclusive of the paragraphs, shall read as follows:

Appeal as to
equalization
of assess-
ments

96. If any municipality is dissatisfied with the action of any county council under clause *b* of subsection 1 of section 94 in increasing or decreasing, or refusing to increase or decrease, the valuation of any municipality, the proceedings shall be as follows:

.

R.S.O. 1960,
c. 23, s. 115,
subs. 3,
re-enacted

17. Subsection 3 of section 115 of *The Assessment Act* is repealed and the following substituted therefor:

Particulars
in tax notice

(3) The written or printed notice above mentioned shall have written or printed thereon or attached thereto a schedule specifying the different rates and the total thereof used in calculating the taxes referred to in the notice and also containing the information required to be entered in the collector's roll under section 110.

R.S.O. 1960,
c. 23, s. 131,
subs. 12,
re-enacted

18. Subsection 12 of section 131 of *The Assessment Act* is repealed and the following substituted therefor:

Idem

(12) A cancellation, reduction or refund under clause *d* of subsection 1 shall be for a proportionate part of the taxes levied on the building assessment based on the number of months in the year or years after the building was razed in respect of which taxes were levied.

R.S.O. 1960,
c. 23, s. 150,
subs. 1,
re-enacted

19. Subsection 1 of section 150 of *The Assessment Act* is repealed and the following substituted therefor:

Interest on
tax arrears

(1) Notwithstanding any special Act, the treasurer, collector or county treasurer, as the case may be, shall add to the amount of all taxes due and unpaid interest at the rate of not less than one-half of 1 per cent per month and not exceeding two-thirds of 1 per cent per month for each month or fraction thereof from the 31st day of December in the year in which the taxes are levied until the taxes are paid, provided that interest shall not be charged at a rate exceeding one-half of 1 per cent per month unless the amount of all the taxes due and unpaid owing by one person is in excess of \$1,000.

R.S.O. 1960,
c. 23,
Form 2,
amended

20. Form 2 of *The Assessment Act* is amended by striking out the portion headed "Particulars of Amount of Assessment" and inserting in lieu thereof the following:

PARTICULARS OF AMOUNT OF ASSESSMENT

[illegible]

- Commence-
ment** **21.**—(1) This Act, except subsection 1 of section 1 and sections 2, 3, 4 and 6, comes into force on the day it receives Royal Assent.
- Idem** (2) Sections 2, 3, 4 and 6 shall be deemed to have come into force on the 1st day of January, 1961.
- Idem** (3) Subsection 1 of section 1 comes into force on the 1st day of January, 1962.
- Short title** **22.** This Act may be cited as *The Assessment Amendment Act, 1960-61*.

An Act to amend
The Assessment Act

1st Reading

March 2nd, 1961

2nd Reading

March 6th, 1961

3rd Reading

March 29th 1961

MR. WARRENDER

BILL 101

**2ND SESSION, 26TH LEGISLATURE, ONTARIO
9-10 ELIZABETH II, 1960-61**

An Act to amend The Mental Hospitals Act

MR. DYMOND

EXPLANATORY NOTES

SECTION 1. This amendment is complementary to an amendment to *The Children's Mental Hospitals Act* and will authorize the superintendent of a mental hospital to transfer suitable patients to a children's mental hospital for a temporary period of investigation or treatment.

SECTION 2. The amendment is designed to authorize regulations respecting computation and reduction of claims for maintenance of patients in Ontario hospitals prior to the establishment of the Ontario Plan of Hospital Care Insurance.

BILL 101

1960-61

An Act to amend The Mental Hospitals Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 3 of section 16 of *The Mental Hospitals Act* is amended by inserting after "Act" in the third line "or a hospital under *The Children's Mental Hospitals Act*", so that the subsection shall read as follows: R.S.O. 1960,
c. 236, s. 16,
subs. 3,
amended

(3) The Deputy Minister has authority to transfer any patient in an institution to a psychiatric hospital under *The Psychiatric Hospitals Act* or a hospital under *The Children's Mental Hospitals Act* for investigation or treatment, and to return the patient to an institution when the patient has received such investigation or treatment as may be necessary. Transfer to
other types
of mental
hospitals
R.S.O. 1960,
cc. 315, 56

2. *The Mental Hospitals Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 236,
amended

79a. Notwithstanding the provisions of this Act, the Lieutenant Governor in Council may make regulations respecting the computation of the amount that is due and owing for maintenance of patients for the purpose of, Regulations
re main-
tenance

(a) prescribing a limit of not less than six years upon the period of time for which the amount that is due and owing for maintenance shall be computed, or otherwise reducing such amount upon such terms and conditions as are prescribed;

(b) authorizing the Deputy Minister or other designated person to give discharges for amounts paid under the regulations.

R.S.O. 1960,
c. 236, s. 83,
amended

3. Section 83 of *The Mental Hospitals Act* is amended by striking out "or" at the end of clause *b*, by adding "or" at the end of clause *c* and by adding thereto the following clause:

(*d*) a person admitted under section 22.

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Mental Hospitals Amendment Act, 1960-61*.

SECTION 3. The new clause *d* adds a fourth class of patients to the group for whom the Public Trustee does not, in the ordinary course, act as committee, namely, patients admitted for observation for periods up to thirty days.

An Act to amend
The Mental Hospitals Act

1st Reading

March 3rd, 1961

2nd Reading

3rd Reading

MR. DYMOND

BILL 101

2ND SESSION, 26TH LEGISLATURE, ONTARIO
9-10 ELIZABETH II, 1960-61

An Act to amend The Mental Hospitals Act

MR. DYMOND

TORONTO

PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

BILL 101

1960-61

An Act to amend The Mental Hospitals Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 3 of section 16 of *The Mental Hospitals Act* R.S.O. 1960, is amended by inserting after "Act" in the third line "or a hospital under *The Children's Mental Hospitals Act*", so that the subsection shall read as follows: c. 236, s. 16, subs. 3, amended

(3) The Deputy Minister has authority to transfer any patient in an institution to a psychiatric hospital under *The Psychiatric Hospitals Act* or a hospital under *The Children's Mental Hospitals Act* for investigation or treatment, and to return the patient to an institution when the patient has received such investigation or treatment as may be necessary. Transfer to other types of mental hospitals R.S.O. 1960, cc. 315, 56

2. *The Mental Hospitals Act* is amended by adding thereto the following section: R.S.O. 1960, c. 236, amended

79a. Notwithstanding the provisions of this Act, the Lieutenant Governor in Council may make regulations respecting the computation of the amount that is due and owing for maintenance of patients for the purpose of, Regulations re maintenance

- (a) prescribing a limit of not less than six years upon the period of time for which the amount that is due and owing for maintenance shall be computed, or otherwise reducing such amount upon such terms and conditions as are prescribed;
- (b) authorizing the Deputy Minister or other designated person to give discharges for amounts paid under the regulations.

R.S.O. 1960,
c. 236, s. 83,
amended

3. Section 83 of *The Mental Hospitals Act* is amended by striking out "or" at the end of clause *b*, by adding "or" at the end of clause *c* and by adding thereto the following clause:

(*d*) a person admitted under section 22.

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Mental Hospitals Amendment Act, 1960-61*.

An Act to amend
The Mental Hospitals Act

1st Reading

March 3rd, 1961

2nd Reading

March 8th, 1961

3rd Reading

March 10th, 1961

MR. DYMOND

BILL 102

2ND SESSION, 26TH LEGISLATURE, ONTARIO
9-10 ELIZABETH II, 1960-61

An Act to amend The Children's Mental Hospitals Act

MR. DYMOND

EXPLANATORY NOTE

This amendment is complementary to an amendment to *The Mental Hospitals Act* authorizing transfer of patients from a mental hospital to a children's mental hospital for a temporary period for special investigation or treatment.

BILL 102

1960-61

**An Act to amend
The Children's Mental Hospitals Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Children's Mental Hospitals Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 56,
amended

7a. Notwithstanding the provisions of this Act, the superintendent of a hospital under this Act may Admission
of transferee admit as a patient for special investigation or treatment any person transferred under subsection 3 of section 16 of *The Mental Hospitals Act*. R.S.O. 1960,
c. 236

2. This Act comes into force on the day it receives Royal Assent. Commence-
ment

3. This Act may be cited as *The Children's Mental Hospitals Amendment Act, 1960-61*. Short title

An Act to amend
The Children's Mental Hospitals Act

1st Reading

March 3rd, 1961

2nd Reading

3rd Reading

MR. DYMOND

BILL 102

2ND SESSION, 26TH LEGISLATURE, ONTARIO
9-10 ELIZABETH II, 1960-61

An Act to amend The Children's Mental Hospitals Act

MR. DYMOND

BILL 102

1960-61

**An Act to amend
The Children's Mental Hospitals Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Children's Mental Hospitals Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 56,
amended

7a. Notwithstanding the provisions of this Act, the superintendent of a hospital under this Act may admit as a patient for special investigation or treatment any person transferred under subsection 3 of section 16 of *The Mental Hospitals Act*. Admission
of transferee

R.S.O. 1960,
c. 236

2. This Act comes into force on the day it receives Royal Assent. Commence-
ment

3. This Act may be cited as *The Children's Mental Hospitals Amendment Act, 1960-61*. Short title

An Act to amend
The Children's Mental Hospitals Act

1st Reading

March 3rd, 1961

2nd Reading

March 8th, 1961

3rd Reading

March 10th, 1961

MR. DYMOND

BILL 103

**2ND SESSION, 26TH LEGISLATURE, ONTARIO
9-10 ELIZABETH II, 1960-61**

An Act to amend The Loan and Trust Corporations Act

MR. ROBERTS

EXPLANATORY NOTES

SECTION 1. This amendment deletes from section 104, subsection 5, all references to *amalgamation* of trust companies or loan corporations, as all the other subsections deal only with the *purchase and sale* of assets between loan and trust companies.

SECTION 2. These amendments are required to place loan and trust companies in the same position as are corporations generally in Ontario with respect to amalgamations under section 65 of *The Corporations Tax Act* and section 96 of *The Corporations Act* dealing with amalgamations of two or more companies, whereby the companies amalgamating are continued as one company by the name provided in the letters patent.

BILL 103

1960-61

An Act to amend The Loan and Trust Corporations Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 5 of section 104 of *The Loan and Trust Corporations Act* is amended by striking out "or to an agreement for the amalgamation of two or more corporations" in the second, third and fourth lines and by striking out "or the several corporations amalgamated, as the case may be, are" in the fourth and fifth lines and inserting in lieu thereof "is", so that the subsection shall read as follows:

R.S.O. 1960,
c. 222, s. 104,
subs. 5,
amended

- (5) Where the Lieutenant Governor in Council assents to an agreement for the sale of the assets of a corporation, the selling corporation is, from the date of the assent, dissolved, except so far as is necessary to give full effect to the agreement.

Dissolution
of selling
corporation

2.—(1) Subsection 1 of section 105 of *The Loan and Trust Corporations Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 222, s. 105,
subs. 1,
re-enacted

- (1) In the case of an amalgamation, the parties thereto are, from the date of the assent of the Lieutenant Governor in Council, consolidated and amalgamated and they shall continue thereafter as one corporation under the jurisdiction specified in the amalgamation agreement and by the name stated in the Minister's certificate.

Amalgama-
tion

(2) The said section 105 is amended by adding thereto the following subsection:

R.S.O. 1960,
c. 222, s. 105,
amended

- (5) Where the amalgamated company is to continue as a provincial corporation, the Lieutenant Governor shall, by letters patent, issue to the amalgamated

Charter

company a charter, as at the date of the assent, confirming the amalgamation agreement.

R.S.O. 1960,
c. 222, s. 137,
subs. 1, cl. k,
amended

3. Clause *k* of subsection 1 of section 137 of *The Loan and Trust Corporations Act* is amended by inserting after "corporation" in the second line "or with any insurance company incorporated in Canada" and by striking out "one-half of" in the third line of subclause iii, so that the clause shall read as follows:

real estate
for produc-
tion of
income

(*k*) real estate in Canada for the production of income, either alone or jointly with any other corporation or with any insurance company incorporated in Canada,

(i) if a lease of the real estate is made to, or guaranteed by, a company that has paid a dividend in each of the five years immediately preceding the date of investment at least equal to the specified annual rate upon all of its preferred shares, or that has paid a dividend in each year of a period of five years ended less than one year before the date of investment upon its common shares of at least 4 per cent of the average value at which the shares were carried in the capital stock account of the corporation during the year in which the dividend was paid,

(ii) if the lease provides for a net revenue sufficient to yield a reasonable interest return during the period of the lease and to repay at least 85 per cent of the amount invested by the corporation in the real estate within the period of the lease, but not exceeding thirty years from the date of investment, and

(iii) if the total investment of the corporation in any one parcel of real estate does not exceed 1 per cent of the book value of the corporation's total funds,

and the corporation may hold, maintain, improve, lease, sell or otherwise deal with or dispose of the real estate, but the total book value of the investments of the corporation in real estate for the production of income pursuant to this clause shall not exceed 5 per cent of the book value of the corporation's total funds.

SECTION 3. Under the present law, loan corporations may invest in real estate for the production of income jointly with other loan or trust companies. This amendment will enable them also to join with insurance companies incorporated in Canada. This is in accord with a Bill that is now before the Parliament of Canada, which has been passed by the Senate, amending the federal insurance Acts to permit insurance companies to invest in real estate for the production of income with any other insurance company or with any loan corporation or trust company incorporated in Canada.

This section also increases the total investment that a loan company may make in any one parcel of real estate for the production of income from one-half of 1 per cent to 1 per cent of the corporation's total funds. A similar provision is included in the federal Bill referred to above.

SECTION 4. Extends to trust companies, in the same way as section 3 does to loan corporations, the right to invest in real estate for the production of income jointly with any other loan or trust company or with any insurance company incorporated in Canada. Subsection 2 of section 4 likewise increases the amount invested in any one parcel of real estate for the production of income by a trust company from one-half of 1 per cent to 1 per cent of the value of its funds and of the moneys held by it for guaranteed investment or as deposits. These amendments are in accord with amendments in the federal Bill referred to above.

SECTION 5. Provision is made to bring sections 3 and 4 of the Bill into force by proclamation when the federal legislation referred to above becomes effective.

4.—(1) Subsection 1 of section 139 of *The Loan and Trust Corporations Act* is amended by inserting after "137" in the fourth line "and may so invest in real estate for the production of income either alone or jointly with any other corporation or with any insurance company incorporated in Canada", so that the subsection shall read as follows:

- (1) A registered trust company may invest its funds and moneys received for guaranteed investment or as deposits in any of the securities mentioned in subsection 1 of section 137 and may so invest in real estate for the production of income either alone or jointly with any other corporation or with any insurance company incorporated in Canada, provided that at all times at least 50 per cent of moneys received for guaranteed investment in the manner authorized by subsection 1 of section 82 or as deposits in the manner authorized by subsection 1 of section 80 shall be invested in or loaned upon such securities only as are authorized by *The Trustee Act*.

R.S.O. 1960,
c. 222, s. 139,
subs. 1,
amended

R.S.O. 1960,
c. 408

(2) Subsection 2 of the said section 139 is amended by striking out "one-half of" in the ninth line, so that the subsection shall read as follows:

R.S.O. 1960,
c. 222, s. 139,
subs. 2,
amended

- (2) The total book value of the investments of a registered trust company in real estate for the production of income shall not exceed, in the case of its funds, 5 per cent of the book value of such funds and, in the case of moneys received for guaranteed investment or as deposits, 5 per cent of such moneys held by the company or 25 per cent of the company's unimpaired paid-up capital and reserve; provided that the amount invested in any one parcel of such real estate by a company shall not exceed 1 per cent of the aggregate of the book value of its funds and of the moneys held by it for guaranteed investment or as deposits.

Restrictions
on amount of
investments
in real estate
for reduction
of income

5.—(1) This Act, except sections 3 and 4, comes into force on the day it receives Royal Assent.

Commence-
ment

(2) Sections 3 and 4 come into force on a day to be named by the Lieutenant Governor by his proclamation.

6. This Act may be cited as *The Loan and Trust Corporations Amendment Act, 1960-61*.

Short title

AN ACT TO AMEND
The Loan and Trust Corporations Act

1st Reading

March 7th, 1961

2nd Reading

3rd Reading

MR. ROBERTS

BILL 103

2ND SESSION, 26TH LEGISLATURE, ONTARIO
9-10 ELIZABETH II, 1960-61

An Act to amend The Loan and Trust Corporations Act

MR. ROBERTS

BILL 103

1960-61

An Act to amend The Loan and Trust Corporations Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 5 of section 104 of *The Loan and Trust Corporations Act* is amended by striking out "or to an agreement for the amalgamation of two or more corporations" in the second, third and fourth lines and by striking out "or the several corporations amalgamated, as the case may be, are" in the fourth and fifth lines and inserting in lieu thereof "is", so that the subsection shall read as follows:

R.S.O. 1960,
c. 222, s. 104,
subs. 5,
amended

(5) Where the Lieutenant Governor in Council assents to an agreement for the sale of the assets of a corporation, the selling corporation is, from the date of the assent, dissolved, except so far as is necessary to give full effect to the agreement.

Dissolution
of selling
corporation

2.—(1) Subsection 1 of section 105 of *The Loan and Trust Corporations Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 222, s. 105,
subs. 1,
re-enacted

(1) In the case of an amalgamation, the parties thereto are, from the date of the assent of the Lieutenant Governor in Council, consolidated and amalgamated and they shall continue thereafter as one corporation under the jurisdiction specified in the amalgamation agreement and by the name stated in the Minister's certificate.

Amalgama-
tion

(2) The said section 105 is amended by adding thereto the following subsection:

R.S.O. 1960,
c. 222, s. 105,
amended

(5) Where the amalgamated company is to continue as a provincial corporation, the Lieutenant Governor shall, by letters patent, issue to the amalgamated

Charter

company a charter, as at the date of the assent, confirming the amalgamation agreement.

R.S.O. 1960,
o. 222, s. 137,
subs. 1, cl. k,
amended

3. Clause *k* of subsection 1 of section 137 of *The Loan and Trust Corporations Act* is amended by inserting after "corporation" in the second line "or with any insurance company incorporated in Canada" and by striking out "one-half of" in the third line of subclause iii, so that the clause shall read as follows:

real estate
for produc-
tion of
income

(*k*) real estate in Canada for the production of income, either alone or jointly with any other corporation or with any insurance company incorporated in Canada,

(i) if a lease of the real estate is made to, or guaranteed by, a company that has paid a dividend in each of the five years immediately preceding the date of investment at least equal to the specified annual rate upon all of its preferred shares, or that has paid a dividend in each year of a period of five years ended less than one year before the date of investment upon its common shares of at least 4 per cent of the average value at which the shares were carried in the capital stock account of the corporation during the year in which the dividend was paid,

(ii) if the lease provides for a net revenue sufficient to yield a reasonable interest return during the period of the lease and to repay at least 85 per cent of the amount invested by the corporation in the real estate within the period of the lease, but not exceeding thirty years from the date of investment, and

(iii) if the total investment of the corporation in any one parcel of real estate does not exceed 1 per cent of the book value of the corporation's total funds,

and the corporation may hold, maintain, improve, lease, sell or otherwise deal with or dispose of the real estate, but the total book value of the investments of the corporation in real estate for the production of income pursuant to this clause shall not exceed 5 per cent of the book value of the corporation's total funds.

4.—(1) Subsection 1 of section 139 of *The Loan and Trust Corporations Act* is amended by inserting after "137" in the fourth line "and may so invest in real estate for the production of income either alone or jointly with any other corporation or with any insurance company incorporated in Canada", so that the subsection shall read as follows:

R.S.O. 1960,
c. 222, s. 139,
subs. 1,
amended

- (1) A registered trust company may invest its funds and moneys received for guaranteed investment or as deposits in any of the securities mentioned in subsection 1 of section 137 and may so invest in real estate for the production of income either alone or jointly with any other corporation or with any insurance company incorporated in Canada, provided that at all times at least 50 per cent of moneys received for guaranteed investment in the manner authorized by subsection 1 of section 82 or as deposits in the manner authorized by subsection 1 of section 80 shall be invested in or loaned upon such securities only as are authorized by *The Trustee Act*.

R.S.O. 1960,
c. 408

(2) Subsection 2 of the said section 139 is amended by striking out "one-half of" in the ninth line, so that the subsection shall read as follows:

R.S.O. 1960,
c. 222, s. 139,
subs. 2,
amended

- (2) The total book value of the investments of a registered trust company in real estate for the production of income shall not exceed, in the case of its funds, 5 per cent of the book value of such funds and, in the case of moneys received for guaranteed investment or as deposits, 5 per cent of such moneys held by the company or 25 per cent of the company's unimpaired paid-up capital and reserve; provided that the amount invested in any one parcel of such real estate by a company shall not exceed 1 per cent of the aggregate of the book value of its funds and of the moneys held by it for guaranteed investment or as deposits.

Restrictions
on amount of
investments
in real estate
for reduction
of income

5.—(1) This Act, except sections 3 and 4, comes into force on the day it receives Royal Assent.

Commence-
ment

(2) Sections 3 and 4 come into force on a day to be named by the Lieutenant Governor by his proclamation.

6. This Act may be cited as *The Loan and Trust Corporations Amendment Act, 1960-61*.

Short title

An Act to amend
The Loan and Trust Corporations Act

1st Reading

March 7th, 1961

2nd Reading

March 14th, 1961

3rd Reading

March 16th, 1961

MR. ROBERTS

BILL 104

2ND SESSION, 26TH LEGISLATURE, ONTARIO
9-10 ELIZABETH II, 1960-61

An Act to amend The Election Act

MR. GISBORN

EXPLANATORY NOTE

The purpose of this Bill is to require central party organizations to file audited statements of their receipts and expenditures on account of election campaigns with the Chief Election Officer, so that they will be available for public inspection.

BILL 104

1960-61

An Act to amend The Election Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Election Act* is amended by adding thereto the following sections: R.S.O. 1960,
c. 118,
amended

192a.—(1) A detailed statement of all money or its equivalent received as an election contribution, payment, loan, gift, advance or deposit and exceeding in amount or value \$50 and a detailed statement of all election expenses incurred by or on behalf of the central organization of a political interest represented in the election by more than twenty candidates shall, within six months after the election, be made out by the treasurer or other officer responsible for the accounts of such central organization, audited by a member of The Institute of Chartered Accountants of Ontario or The Certified Public Accountants Association of Ontario and delivered as audited to the Chief Election Officer. Statement
of election
contribu-
tions,
expenses,
etc.

(2) Every treasurer or other officer who is in default of delivering an audited statement under subsection 1 is liable to a fine not exceeding \$25 for every day during which he is in default. Penalty for
default in
delivering
statement

192b.—(1) The Chief Election Officer shall preserve all such statements and shall, during the six months following their delivery to him, permit any voter to inspect them upon payment of a fee of 25 cents. Preservation
and inspection
of
statement

2. This Act comes into force on the day it receives Royal Assent. Commence-
ment

3. This Act may be cited as *The Election Amendment Act*, 1960-61. Short title

1st Reading

March 8th, 1961

2nd Reading

3rd Reading

MR. GIBBORN

BILL 105

2ND SESSION, 26TH LEGISLATURE, ONTARIO
9-10 ELIZABETH II, 1960-61

An Act to amend The Public Service Superannuation Act

MR. ALLAN (Haldimand-Norfolk)

EXPLANATORY NOTES

SECTIONS 1, 2 and 3. The purpose of these amendments is to simplify and clarify the respective responsibilities of the Treasurer and the Board under the Act.

SECTION 4. These amendments are for the purpose of clarity and to remove obsolete features.

SECTION 5—Subsection 1. The subsection is re-enacted in order to clarify its intent and to bring it into line with present practices.

BILL 105

1960-61

An Act to amend The Public Service Superannuation Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause g of section 1 of *The Public Service Superannuation Act* is repealed. R.S.O. 1960,
c. 332, s. 1,
cl. g,
repealed

2. *The Public Service Superannuation Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 332,
amended

1a. The Treasurer is responsible for the administration of this Act. Respon-
sibility of
Treasurer

3. Section 3 of *The Public Service Superannuation Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 332, s. 3,
re-enacted

3. It is the function of the Board to make recommendations to the Treasurer with respect to matters under this Act and the amounts of allowances and annuities to which persons are entitled under this Act and to perform such other duties as are assigned to it by this Act or by the Treasurer. Functions
of Board

4. Subsections 2 and 3 of section 11 of *The Public Service Superannuation Act* are repealed and the following substituted therefor: R.S.O. 1960,
c. 332, s. 11,
subs. 2,
re-enacted;
subs. 3,
repealed

(2) In no case shall the amount of an annual superannuation or disability allowance be less than \$600, except where \$600 is greater than 70 per cent of the contributor's average annual salary during the last three years of his service. Minimum
allowances

5.—(1) Subsection 1 of section 12 of *The Public Service Superannuation Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 332, s. 12,
subs. 1,
re-enacted

Deferred annuities

- (1) Every contributor who has contributed continuously to the Fund in respect of ten or more years and who ceases to be employed before he is sixty years of age and who is not entitled to an allowance under this Part is entitled to a deferred annuity commencing when he is sixty years of age.

R.S.O. 1960,
c. 332, s. 12,
subs. 5,
repealed

- (2) Subsection 5 of the said section 12 is repealed.

R.S.O. 1960,
c. 332, s. 16,
re-enacted

- 6.** Section 16 of *The Public Service Superannuation Act* is repealed and the following substituted therefor:

Re-employment of super-annuates and annuitants
R.S.O. 1960,
c. 331

16. Except as provided in *The Public Service Act*, where a person in receipt of a superannuation allowance or an annuity is re-employed, payment thereof shall be suspended during the period of re-employment, but any period of re-employment during which he contributes under this Part shall be added to the period of his prior employment and the allowance or the annuity payable upon termination of his re-employment shall be recalculated accordingly.

R.S.O. 1960,
c. 332, s. 18,
cl. a,
amended

- 7.** Clause *a* of section 18 of *The Public Service Superannuation Act* is amended by striking out "is retired by the Lieutenant Governor in Council in circumstances under which he" in the first and second lines and inserting in lieu thereof "but", so that the clause shall read as follows:

- (a) has attained retiring age but is not entitled to a superannuation allowance or annuity; or

.

R.S.O. 1960,
c. 332, s. 20,
amended

- 8.** Section 20 of *The Public Service Superannuation Act* is amended by adding thereto the following subsection:

Commence-
ment

- (5) An allowance under this section shall commence on the first day of the month next following the month during which the entitlement thereto occurred.

R.S.O. 1960,
c. 332, s. 24,
amended

- 9.** *The Public Service Superannuation Act* is amended by adding thereto the following section:

Cessation of allow-
ances and
annuities

- 21a. Except as otherwise provided in this Act, an allowance or annuity shall cease on the last day of the month during which the entitlement thereto ceases.

R.S.O. 1960,
c. 332, s. 24,
amended

- 10.** Section 24 of *The Public Service Superannuation Act* is amended by adding at the end thereof "and deputy magistrate and every full-time judge and deputy judge of a juvenile and family court", so that the section shall read as follows:

Subsection 2. The subsection repealed prevents a person from qualifying for an annuity if he was more than fifty years of age when he entered the public service. The effect of the repeal will enable a person not more than fifty-five years of age when he commences his service to qualify for an annuity under subsection 1, 2 or 3, as the case may be, of section 12 of the Act.

SECTION 6. This section is re-enacted for clarity and to extend its benefits to annuitants as well as to superannuates as there should be no distinction in principle between the two classes.

SECTION 7. The condition prescribed in the present clause that a person must be retired by the Lieutenant Governor in Council before becoming entitled to a double refund serves no useful purpose; it is therefore deleted.

SECTIONS 8 and 9. These new provisions are designed to simplify administration by disregarding fractions of months in the cases mentioned.

SECTION 10. This amendment is designed for clarity and to bring the Act into line with practice.

SECTION 11. The amendment brings the subsection into line with present practice.

SECTION 12. This amendment removes any doubt concerning the power to designate foundations as well as commissions and boards.

SECTION 13—Subsections 1 and 2. The amendments extend the scope of the provisions to members of the civil service of any province of Canada.

24. This Part applies to every full-time magistrate and deputy magistrate and every full-time judge and deputy judge of a juvenile and family court. Application of Act to magistrates, etc.

11. Subsection 3 of section 26 of *The Public Service Superannuation Act* is amended by inserting after "annum" in the fifth line "compounded annually", so that the subsection shall read as follows: R.S.O. 1960, c. 332, s. 26, subs. 3, amended

- (3) Where a former contributor who is not in receipt of an allowance or annuity is employed within the meaning of *The Teachers' Superannuation Act*, his contributions and credits in the Fund, together with interest at the rate of $4\frac{3}{4}$ per cent per annum, compounded annually, shall be transferred to the Teachers' Superannuation Fund. Contributors becoming teachers
R.S.O. 1960, c. 392

12. Section 27 of *The Public Service Superannuation Act* is amended by striking out "or commission" in the second line and inserting in lieu thereof "commission or foundation", so that the section shall read as follows: R.S.O. 1960, c. 332, s. 27, amended

27. This Part applies to the permanent staff of any board, commission or foundation established under any Act of the Legislature that is designated by the Lieutenant Governor in Council. Boards, commissions

13.—(1) Subsection 1 of section 28 of *The Public Service Superannuation Act* is amended by inserting after "Canada" in the second line "or of any province of Canada", so that the subsection shall read as follows: R.S.O. 1960, c. 332, s. 28, subs. 1, amended

- (1) Where a contributor becomes a member of the civil service of Canada or of any province of Canada or of the civic service of any municipality or of the staff of any board, commission or public institution established under any Act of the Legislature, a sum of money equal to his contributions and credits in the Fund or such portion thereof as the Board, subject to the approval of the Lieutenant Governor in Council, determines, with interest at such rate as the Board, subject to the approval of the Lieutenant Governor in Council, determines, shall be paid out of the Fund into any like fund maintained to provide superannuation benefits for the members of such civil or civic service or staff, as the case may be. Arrangement for payment, out of Fund into another superannuation fund

(2) Subsection 2 of the said section 28 is amended by inserting after "Canada" in the first line "or of any province of Canada", so that the subsection shall read as follows: R.S.O. 1960, c. 332, s. 28, subs. 2, amended

into Fund
out of
another
superannua-
tion fund

- (2) Where a member of the civil service of Canada or of any province of Canada or of the civic service of any municipality or of the staff of any board, commission or public institution established under any Act of the Legislature becomes a contributor and a sum of money is paid into the Fund in respect of the period during which he was a civil or civic servant or on the staff of the board, commission or public institution, the Board, subject to the approval of the Lieutenant Governor in Council, may allow him such credit in the Fund in respect of the sum and the period of service represented thereby as is determined.

R.S.O. 1960,
c. 332, s. 28,
amended

- (3) The said section 28 is amended by adding thereto the following subsection:

Agreements
authorized

- (3) Notwithstanding subsections 1 and 2, the Treasurer, subject to the approval of the Lieutenant Governor in Council, may enter into an agreement with any government, municipality, board, commission or public institution mentioned therein to provide reciprocal arrangements for the transfer of contributions and credits, and, where such an agreement exists, such transfers shall be in accordance with the agreement.

R.S.O. 1960,
c. 332, s. 29,
amended

- 14.** Section 29 of *The Public Service Superannuation Act* is amended by adding thereto the following subsection:

Transfer
of interest

- (5) Such part of the accumulated interest in the Public Service Retirement Fund as the Lieutenant Governor in Council approves may be transferred from time to time to the Public Service Superannuation Fund.

R.S.O. 1960,
c. 332, s. 32,
amended

- 15.** Section 32 of *The Public Service Superannuation Act* is amended by adding thereto the following subsection:

Idem

R.S.O. 1960,
c. 392

- (2) Where a former contributor under this Part is employed within the meaning of *The Teachers' Superannuation Act*, the amount to his credit in the Public Service Retirement Fund shall be transferred to his credit in the Teachers' Superannuation Fund together with interest thereon at the rate of 3 per cent per annum.

R.S.O. 1960,
c. 332, s. 36,
repealed

- 16.** Section 36 of *The Public Service Superannuation Act* is repealed.

R.S.O. 1960,
c. 332, s. 40,
subs. 1,
amended

- 17.**—(1) Subsection 1 of section 40 of *The Public Service Superannuation Act* is amended by striking out "Minister"

Subsection 3. Self-explanatory.

SECTION 14. The money in the Retirement Fund accumulates more interest than is required for its purposes. The new subsection authorizes the transfer of the excess to the Superannuation Fund.

SECTION 15. This provision brings the Act into line with practice.

SECTIONS 16 and 17. See note to sections 1, 2 and 3. These amendments are complementary.

SECTIONS 18 and 19. Self-explanatory

where it occurs the first and second times respectively in the second line and inserting in lieu thereof "Treasurer", so that the subsection shall read as follows:

- (1) The Board shall make a report annually to the ^{Annual report} Treasurer containing such information as the Treasurer requires.

(2) Subsection 2 of the said section 40 is repealed and the ^{R.S.O. 1960, c. 332, s. 40, subs. 2, re-enacted} following substituted therefor:

- (2) The Treasurer shall submit the report to the ^{Idem} Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

18. Section 42 of *The Public Service Superannuation Act* is ^{R.S.O. 1960, c. 332, s. 42, amended} amended by striking out "The Board, subject to the approval of" in the first line, so that the section, exclusive of the clauses, shall read as follows:

42. The Lieutenant Governor in Council may make ^{Regulations} regulations,

.

19.—(1) The amount of every annual allowance that is ^{Certain allowances increased} being paid on the day this Act comes into force that is less than the minimum amount provided in *The Public Service Superannuation Act* on that day shall be increased to the minimum amount so provided.

(2) The expenditure required for the purpose of sub- ^{Expenditure out of C.R.F.} section 1 shall be paid out of the Consolidated Revenue Fund.

20. This Act comes into force on the 1st day of April, 1961. ^{Commence-ment}

21. This Act may be cited as *The Public Service Super- ^{Short title} annuation Amendment Act, 1960-61.*

An Act to amend
The Public Service Superannuation Act

1st Reading

March 8th, 1961

2nd Reading

3rd Reading

MR. ALLAN (Haldimand-Norfolk)

BILL 105

2ND SESSION, 26TH LEGISLATURE, ONTARIO
9-10 ELIZABETH II, 1960-61

An Act to amend The Public Service Superannuation Act

MR. ALLAN (Haldimand-Norfolk)

BILL 105

1960-61

An Act to amend The Public Service Superannuation Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *g* of section 1 of *The Public Service Superannuation Act* is repealed. R.S.O. 1960,
c. 332, s. 1,
cl. *g*,
repealed

2. *The Public Service Superannuation Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 332,
amended

1a. The Treasurer is responsible for the administration of this Act. Respon-
sibility of
Treasurer

3. Section 3 of *The Public Service Superannuation Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 332, s. 3,
re-enacted

3. It is the function of the Board to make recommendations to the Treasurer with respect to matters under this Act and the amounts of allowances and annuities to which persons are entitled under this Act and to perform such other duties as are assigned to it by this Act or by the Treasurer. Functions
of Board

4. Subsections 2 and 3 of section 11 of *The Public Service Superannuation Act* are repealed and the following substituted therefor: R.S.O. 1960,
c. 332, s. 11,
subs. 2,
re-enacted;
subs. 3,
repealed

(2) In no case shall the amount of an annual superannuation or disability allowance be less than \$600, except where \$600 is greater than 70 per cent of the contributor's average annual salary during the last three years of his service. Minimum
allowances

5.—(1) Subsection 1 of section 12 of *The Public Service Superannuation Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 332, s. 12,
subs. 1,
re-enacted

Deferred
annuities

- (1) Every contributor who has contributed continuously to the Fund in respect of ten or more years and who ceases to be employed before he is sixty years of age and who is not entitled to an allowance under this Part is entitled to a deferred annuity commencing when he is sixty years of age.

R.S.O. 1960,
c. 332, s. 12,
subs. 5,
repealed

- (2) Subsection 5 of the said section 12 is repealed.

R.S.O. 1960,
c. 332, s. 16,
re-enacted

6. Section 16 of *The Public Service Superannuation Act* is repealed and the following substituted therefor:

Re-
employment
of super-
annuants and
annuitants
R.S.O. 1960,
c. 331

16. Except as provided in *The Public Service Act*, where a person in receipt of a superannuation allowance or an annuity is re-employed, payment thereof shall be suspended during the period of re-employment, but any period of re-employment during which he contributes under this Part shall be added to the period of his prior employment and the allowance or the annuity payable upon termination of his re-employment shall be recalculated accordingly.

R.S.O. 1960,
c. 332, s. 18,
cl. a,
amended

7. Clause *a* of section 18 of *The Public Service Superannuation Act* is amended by striking out "is retired by the Lieutenant Governor in Council in circumstances under which he" in the first and second lines and inserting in lieu thereof "but", so that the clause shall read as follows:

- (a) has attained retiring age but is not entitled to a superannuation allowance or annuity; or

.

R.S.O. 1960,
c. 332, s. 20,
amended

8. Section 20 of *The Public Service Superannuation Act* is amended by adding thereto the following subsection:

Commence-
ment

- (5) An allowance under this section shall commence on the first day of the month next following the month during which the entitlement thereto occurred.

R.S.O. 1960,
c. 332,
amended

9. *The Public Service Superannuation Act* is amended by adding thereto the following section:

Cessation
of allow-
ances and
annuities

- 21a. Except as otherwise provided in this Act, an allowance or annuity shall cease on the last day of the month during which the entitlement thereto ceases.

R.S.O. 1960,
c. 332, s. 24,
amended

10. Section 24 of *The Public Service Superannuation Act* is amended by adding at the end thereof "and deputy magistrate and every full-time judge and deputy judge of a juvenile and family court", so that the section shall read as follows:

24. This Part applies to every full-time magistrate and deputy magistrate and every full-time judge and deputy judge of a juvenile and family court. Application of Act to magistrates etc.

11. Subsection 3 of section 26 of *The Public Service Superannuation Act* is amended by inserting after "annum" in the fifth line "compounded annually", so that the subsection shall read as follows: R.S.O. 1960, c. 332, s. 26, subs. 3, amended

- (3) Where a former contributor who is not in receipt of an allowance or annuity is employed within the meaning of *The Teachers' Superannuation Act*, his contributions and credits in the Fund, together with interest at the rate of $4\frac{3}{4}$ per cent per annum, compounded annually, shall be transferred to the Teachers' Superannuation Fund. Contributors becoming teachers R.S.O. 1960, c. 392

12. Section 27 of *The Public Service Superannuation Act* is amended by striking out "or commission" in the second line and inserting in lieu thereof "commission or foundation", so that the section shall read as follows: R.S.O. 1960, c. 332, s. 27, amended

27. This Part applies to the permanent staff of any board, commission or foundation established under any Act of the Legislature that is designated by the Lieutenant Governor in Council. Boards, commissions

13.—(1) Subsection 1 of section 28 of *The Public Service Superannuation Act* is amended by inserting after "Canada" in the second line "or of any province of Canada", so that the subsection shall read as follows: R.S.O. 1960, c. 332, s. 28, subs. 1, amended

- (1) Where a contributor becomes a member of the civil service of Canada or of any province of Canada or of the civic service of any municipality or of the staff of any board, commission or public institution established under any Act of the Legislature, a sum of money equal to his contributions and credits in the Fund or such portion thereof as the Board, subject to the approval of the Lieutenant Governor in Council, determines, with interest at such rate as the Board, subject to the approval of the Lieutenant Governor in Council, determines, shall be paid out of the Fund into any like fund maintained to provide superannuation benefits for the members of such civil or civic service or staff, as the case may be. Arrangement for payment, out of Fund into another superannuation fund

(2) Subsection 2 of the said section 28 is amended by inserting after "Canada" in the first line "or of any province of Canada", so that the subsection shall read as follows: R.S.O. 1960, c. 332, s. 28, subs. 2, amended

into Fund
out of
another
superannua-
tion fund

- (2) Where a member of the civil service of Canada or of any province of Canada or of the civic service of any municipality or of the staff of any board, commission or public institution established under any Act of the Legislature becomes a contributor and a sum of money is paid into the Fund in respect of the period during which he was a civil or civic servant or on the staff of the board, commission or public institution, the Board, subject to the approval of the Lieutenant Governor in Council, may allow him such credit in the Fund in respect of the sum and the period of service represented thereby as is determined.

R.S.O. 1960,
c. 332, s. 28,
amended

- (3) The said section 28 is amended by adding thereto the following subsection:

Agreements
authorized

- (3) Notwithstanding subsections 1 and 2, the Treasurer, subject to the approval of the Lieutenant Governor in Council, may enter into an agreement with any government, municipality, board, commission or public institution mentioned therein to provide reciprocal arrangements for the transfer of contributions and credits, and, where such an agreement exists, such transfers shall be in accordance with the agreement.

R.S.O. 1960,
c. 332, s. 29,
amended

- 14.** Section 29 of *The Public Service Superannuation Act* is amended by adding thereto the following subsection:

Transfer
of interest

- (5) Such part of the accumulated interest in the Public Service Retirement Fund as the Lieutenant Governor in Council approves may be transferred from time to time to the Public Service Superannuation Fund.

R.S.O. 1960,
c. 332, s. 32,
amended

- 15.** Section 32 of *The Public Service Superannuation Act* is amended by adding thereto the following subsection:

Idem

R.S.O. 1960,
c. 392

- (2) Where a former contributor under this Part is employed within the meaning of *The Teachers' Superannuation Act*, the amount to his credit in the Public Service Retirement Fund shall be transferred to his credit in the Teachers' Superannuation Fund together with interest thereon at the rate of 3 per cent per annum.

R.S.O. 1960,
c. 332, s. 36,
repealed

- 16.** Section 36 of *The Public Service Superannuation Act* is repealed.

R.S.O. 1960,
c. 332, s. 40,
subs. 1,
amended

- 17.**—(1) Subsection 1 of section 40 of *The Public Service Superannuation Act* is amended by striking out "Minister"

where it occurs the first and second times respectively in the second line and inserting in lieu thereof "Treasurer", so that the subsection shall read as follows:

- (1) The Board shall make a report annually to the ^{Annual} Treasurer containing such information as the ^{report} Treasurer requires.

- (2) Subsection 2 of the said section 40 is repealed and the ^{R.S.O. 1960,} following substituted therefor: ^{c. 332, s. 40,}
^{subs. 2,}
^{re-enacted}

- (2) The Treasurer shall submit the report to the ^{Idem} Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

18. Section 42 of *The Public Service Superannuation Act* is ^{R.S.O. 1960,} amended by striking out "The Board, subject to the approval ^{c. 332, s. 42,} of" in the first line, so that the section, exclusive of the clauses, shall read as follows:

42. The Lieutenant Governor in Council may make ^{Regulations} regulations,

.

19.—(1) The amount of every annual allowance that is ^{Certain} being paid on the day this Act comes into force that is less ^{allowances} than the minimum amount provided in *The Public Service Superannuation Act* on that day shall be increased to the ^{increased} minimum amount so provided.

- (2) The expenditure required for the purpose of sub-^{Expenditure} section 1 shall be paid out of the Consolidated Revenue ^{out of} Fund. ^{C.R.F.}

20. This Act comes into force on the 1st day of April, 1961. ^{Commence-}
^{ment}

21. This Act may be cited as *The Public Service Super-* ^{Short title}
annuation Amendment Act, 1960-61.

1st Reading

March 8th, 1961

2nd Reading

March 16th, 1961

3rd Reading

March 29th, 1961

MR. ALLAN (Haldimand-Norfolk)

BILL 106

**2ND SESSION, 26TH LEGISLATURE, ONTARIO
9-10 ELIZABETH II, 1960-61**

An Act to amend The Public Service Act

MR. ALLAN (Haldimand-Norfolk)

EXPLANATORY NOTES

SECTION 1. The function of the Commission in this field is more appropriately expressed.

SECTION 2. The retirement provision and the provision under which superannuates may be employed are clarified.

BILL 106

1960-61

An Act to amend The Public Service Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *d* of subsection 3 of section 2 of *The Public Service Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 331, s. 2,
subs. 3,
cl. *d*,
re-enacted

(*d*) provide, assist in or co-ordinate staff development programmes.

2. Sections 5, 6 and 7 of *The Public Service Act* are repealed and the following substituted therefor: R.S.O. 1960,
c. 331,
ss. 5, 6,
re-enacted;
s. 7,
repealed

5.—(1) Every civil servant shall retire upon attaining the age of sixty-five years, but, where in the opinion of the Commission special circumstances exist and where the deputy minister so requests in writing, he may be re-appointed for a period not exceeding one year at a time until he attains the age of seventy years. Age of
retirement

(2) Notwithstanding subsection 1, every person in the public service on the 1st day of March, 1948, who was more than fifty years of age on that day and who has been in the public service continuously since that day shall retire upon attaining the age of seventy years. Exception

6.—(1) The Lieutenant Governor in Council may appoint for a period not exceeding six months at a time in a special capacity any person who is receiving a superannuation allowance or an annuity under *The Public Service Superannuation Act* and who has professional, expert or technical knowledge that the Lieutenant Governor in Council desires to have at his disposal. Appoint-
ment of
super-
annuates
and
annuitants
R.S.O. 1960,
c. 332

Idem

- (2) Where a person is appointed under subsection 1, his superannuation allowance or annuity shall not be suspended or recalculated by reason of such appointment.

R.S.O. 1960,
c. 331, s. 10,
cl. *m*,
amended

3. Clause *m* of section 10 of *The Public Service Act* is amended by inserting after "Commission" in the first line "to constitute a committee" and by striking out "Commission" in the fourth line and inserting in lieu thereof "committee", so that the clause shall read as follows:

- (*m*) authorizing the Commission to constitute a committee to hear and deal with such grievances as are prescribed of classes of persons designated under clause *l* and prescribing the powers of the committee for the purpose.

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Public Service Amendment Act, 1960-61*.

SECTION 3. The amendments bring the clause into line with present grievance practices, that is, the Commission delegates this function to a committee.

An Act to amend
The Public Service Act

1st Reading

March 8th, 1961

2nd Reading

3rd Reading

MR. ALLAN (Haldimand-Norfolk)

BILL 106

**2ND SESSION, 26TH LEGISLATURE, ONTARIO
9-10 ELIZABETH II, 1960-61**

An Act to amend The Public Service Act

MR. ALLAN (Haldimand-Norfolk)

An Act to amend The Public Service Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *d* of subsection 3 of section 2 of *The Public Service Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 331, s. 2,
subs. 3,
cl. *d*,
re-enacted

(*d*) provide, assist in or co-ordinate staff development programmes.

2. Sections 5, 6 and 7 of *The Public Service Act* are repealed and the following substituted therefor:

R.S.O. 1960,
c. 331,
ss. 5, 6,
re-enacted;
s. 7,
repealed

5.—(1) Every civil servant shall retire upon attaining the age of sixty-five years, but, where in the opinion of the Commission special circumstances exist and where the deputy minister so requests in writing, he may be re-appointed for a period not exceeding one year at a time until he attains the age of seventy years.

Age of
retirement

(2) Notwithstanding subsection 1, every person in the public service on the 1st day of March, 1948, who was more than fifty years of age on that day and who has been in the public service continuously since that day shall retire upon attaining the age of seventy years.

Exception

6.—(1) The Lieutenant Governor in Council may appoint for a period not exceeding six months at a time in a special capacity any person who is receiving a superannuation allowance or an annuity under *The Public Service Superannuation Act* and who has professional, expert or technical knowledge that the Lieutenant Governor in Council desires to have at his disposal.

Appoint-
ment of
super-
annuates
and
annuitants
R.S.O. 1960,
c. 332

Idem

- (2) Where a person is appointed under subsection 1, his superannuation allowance or annuity shall not be suspended or recalculated by reason of such appointment.

R.S.O. 1960,
c. 331, s. 10,
cl. *m*,
amended

3. Clause *m* of section 10 of *The Public Service Act* is amended by inserting after "Commission" in the first line "to constitute a committee" and by striking out "Commission" in the fourth line and inserting in lieu thereof "committee", so that the clause shall read as follows:

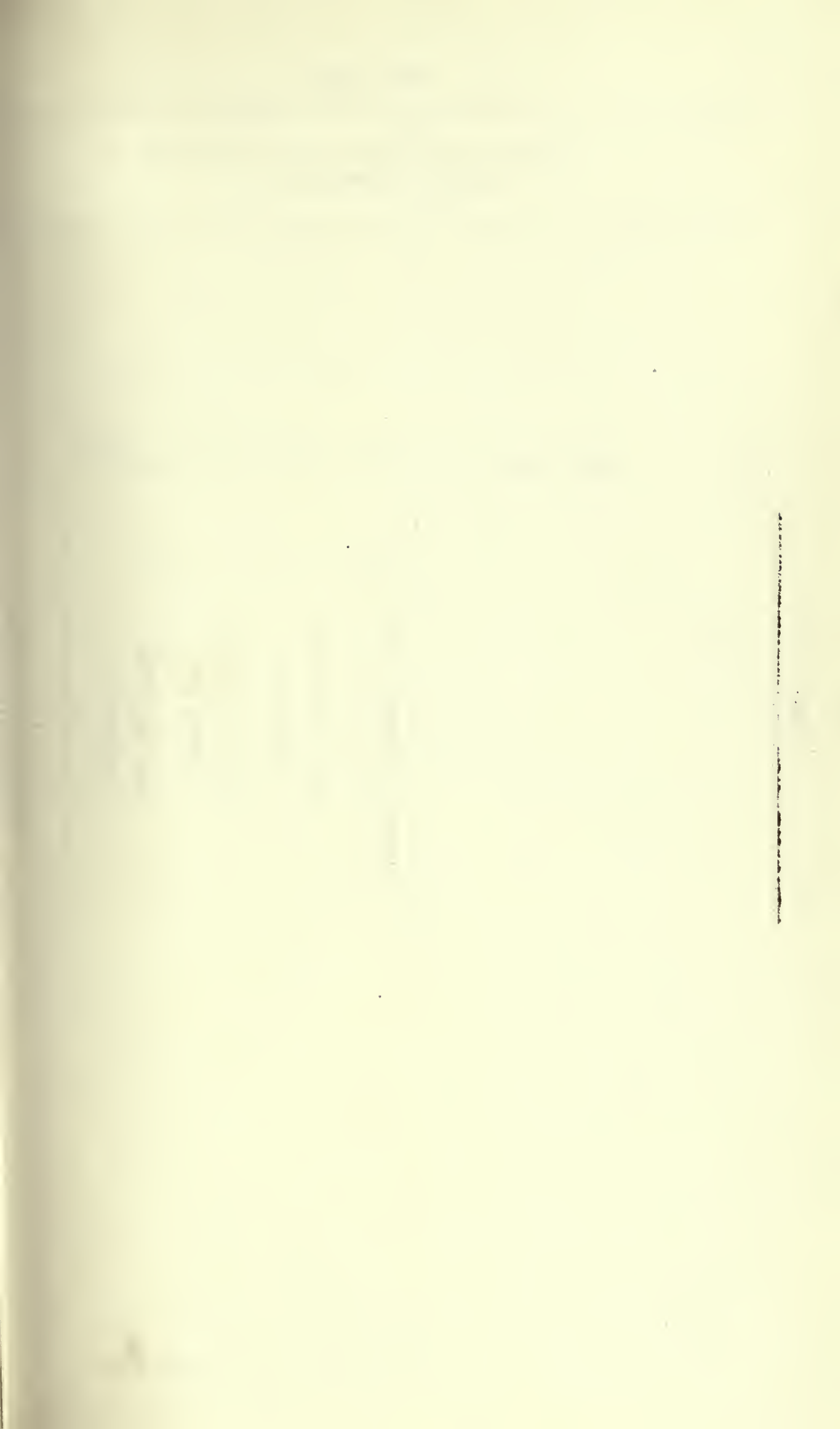
- (*m*) authorizing the Commission to constitute a committee to hear and deal with such grievances as are prescribed of classes of persons designated under clause *l* and prescribing the powers of the committee for the purpose.

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Public Service Amendment Act, 1960-61*.



An Act to amend
The Public Service Act

1st Reading

March 8th, 1961

2nd Reading

March 16th, 1961

3rd Reading

March 29th, 1961

MR. ALLAN (Haldimand-Norfolk)

BILL 107

2ND SESSION, 26TH LEGISLATURE, ONTARIO
9-10 ELIZABETH II, 1960-61

An Act to impose a Tax on Retail Sales

MR. ALLAN (Haldimand-Norfolk)

EXPLANATORY NOTE

The purpose of this Bill is to provide for the imposition and collection of a retail sales tax of 3 per cent on certain goods and services sold in Ontario on and after September 1, 1961.

BILL 107

1960-61

An Act to impose a Tax on Retail Sales

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

1. "collector" means a person who collects taxes under this Act;
2. "Comptroller" means the Comptroller of Revenue;
3. "consumer" or "user" means a person who,
 - (a) utilizes or intends to utilize in Ontario tangible personal property for his own consumption or for the consumption of any other person at his expense, or
 - (b) utilizes or intends to utilize in Ontario tangible personal property on behalf of or as the agent for a principal who desired or desires to so utilize such property for consumption by the principal or by any person at the expense of the principal;
4. "consumption" includes the use, and the incorporation into any structure, building or fixture, of tangible personal property including that manufactured by the consumer or further processed or otherwise improved by him;
5. "fair value" includes,
 - (a) the price for which the tangible personal property was purchased, including the value in terms of Canadian money of services rendered and things exchanged and other considerations

accepted by the vendor or person from whom the property passed as the price or on account of the price of the property purchased,

- (b) the cost of or charges for customs, excise and transportation, whether or not such are shown separately in the books of the vendor or on an invoice, and
 - (c) the cost of installation where the contract under which the property is acquired provides for the acquisition of the property and its installation for one consideration;
6. "food products" does not include spirituous, malt or vinous liquors, medicines, tonics and preparations in liquid, powdered, granular, tablet, capsule, lozenge or pill form sold as dietary supplements or adjuncts;
 7. "person", in addition to its meaning in *The Interpretation Act*, includes Her Majesty in right of Ontario, a municipal corporation, or a local board thereof, as defined in *The Department of Municipal Affairs Act*, and any board, commission or authority established under any Act of the Legislature;
 8. "purchaser" means a consumer who acquires tangible personal property at a sale in Ontario for his own consumption or use, or for the consumption or use of other persons at his expense, on behalf of, or as agent for, a principal who desires to acquire such property for consumption or use by such principal or other persons at his expense;
 9. "regulations" means the regulations made under this Act;
 10. "retail sale" means a sale to a purchaser for the purpose of consumption or use and not for resale;
 11. "sale" means,
 - (a) any transfer of title or possession, exchange, barter, lease or rental, conditional or otherwise, including a sale on credit or where the price is payable by instalments, or any other contract whereby at a price or other consideration a person delivers to another person tangible personal property,

R.S.O. 1960,
cc. 191, 98

- (b) the production, fabrication, processing, printing or imprinting of tangible personal property for a consideration for consumers who furnish either directly or indirectly the materials used in the production, fabrication, processing, printing or imprinting,
 - (c) the furnishing and distribution of tangible personal property for a consideration by social clubs or fraternal organizations to their members or others,
 - (d) the furnishing, preparation or service for a consideration of food, meals or drinks,
 - (e) a transaction whereby the possession of tangible personal property is transferred but the vendor retains the title as security for payment of the price,
 - (f) a transfer for a consideration of the title to or possession of tangible personal property that has been produced, fabricated, printed or imprinted to the order of the purchaser;
12. "storage" includes any keeping or retention in Ontario for any purpose except retail sale or subsequent use outside Ontario of tangible personal property purchased from a vendor, but does not include the keeping, retaining or exercising of any right or power over tangible personal property shipped or brought into Ontario for the purpose of transporting it subsequently outside Ontario or for the purpose of being processed, fabricated or manufactured into, attached to or incorporated into other tangible personal property to be transported outside Ontario and thereafter used solely outside Ontario;
 13. "tangible personal property" means personal property that can be seen, weighed, measured, felt or touched, or that is in any other way perceptible to the senses, and includes electricity, natural or manufactured gas and telephone services;
 14. "tax" includes all penalties and interest that are or may be added to a tax under this Act;
 15. "transfer of possession", "lease" or "rental" includes only transactions held by the Comptroller to be in lieu of a transfer of title, exchange or barter;

16. "Treasurer" means the Treasurer of Ontario;
17. "use" includes storage and the exercise of any right or power over tangible personal property incidental to the ownership of that property, but it does not include the sale of that property at a retail sale or the keeping, retaining or exercising of any right or power over tangible personal property shipped or brought into Ontario for the purpose of transporting it subsequently outside Ontario for use thereafter solely outside Ontario or for the purpose of being processed, fabricated or manufactured into, attached to or incorporated into other tangible personal property to be transported outside Ontario and thereafter used solely outside Ontario;
18. "vendor" means a person who, in the ordinary course of his business in Ontario, sells tangible personal property to a purchaser in Ontario.

Tax on
purchaser

2.—(1) Every purchaser of tangible personal property shall pay to Her Majesty in right of Ontario a tax in respect of the consumption or use thereof computed at the rate of 3 per cent of the fair value thereof.

Fair value

(2) If the tangible personal property to be consumed or used is purchased at a retail sale in Ontario, the purchaser shall pay such tax computed on the fair value thereof at the time of the sale.

Idem

(3) If the tangible personal property is not purchased at a retail sale in Ontario, the consumer shall pay such tax computed on the fair value thereof in the manner following:

1. If the property is primarily intended for consumption by use only, at the time it is brought into Ontario.
2. If the property is primarily intended for consumption otherwise than by use only, at the time of consumption.

Determina-
tion of
fair value

(4) Where the Comptroller deems it necessary or advisable, he may determine the fair value of any such property for the purposes of taxation under this Act, and thereupon the fair value of such property for such purpose shall be as so determined by him.

Payment of
tax on
delayed
delivery

(5) Every purchaser who, after the coming into force of this Act, takes delivery of any tangible personal property purchased by him prior to the coming into force of this Act

shall pay to Her Majesty in right of Ontario a tax at the rate of 3 per cent of the purchase price of such tangible personal property.

(6) If a person sells any tangible personal property at a retail sale in Ontario to a person who alleges that he is not purchasing it for consumption or use, he shall nevertheless require such person to pay the tax, but such payment shall be refunded by the Treasurer on receipt of satisfactory evidence that the tax was wrongfully paid. ^{Refund of tax}

(7) Every person residing or ordinarily resident or carrying on business in Ontario, who brings into Ontario or who receives delivery in Ontario of tangible personal property acquired by him for value for his own consumption or use, or for the consumption or use of other persons at his expense, or on behalf of, or as agent for, a principal who desires to acquire such property for the consumption or use by such principal or other persons at his expense, shall immediately report the matter in writing to the Comptroller and shall supply him with the invoice and all other pertinent information required by him in respect of the consumption or use of such property. ^{Tangible personal property brought into or received in Ontario}

(8) The tax imposed by this Act shall be calculated separately on every purchase and shall be computed to the nearest cent, and every fraction of less than one-half cent shall not be counted and every fraction of one-half cent or more shall be counted as one cent, but, where on the same occasion or as part of one transaction several items of tangible personal property are purchased, the total of the purchase shall be deemed to be one purchase for the purposes of this Act. ^{Calculation of tax}

(9) Where tangible personal property is accepted at the time of sale by the vendor on account of the price of other tangible personal property sold, the purchaser shall pay a tax at the rate provided in subsection 1 calculated on the difference between the fair value of the property sold and the credit allowed for the tangible personal property accepted on account of the purchase price in trade. ^{Tax on merchandise tendered in trade}

3.—(1) No vendor shall sell any tangible personal property in Ontario unless he has been granted upon his application a permit for each place in Ontario where he transacts business and such permit is in force at the time of the sale. ^{Vendor permits}

(2) Each such permit shall be issued by the Comptroller and shall be kept and conspicuously displayed at the place of business of the vendor for which the permit is issued and it is not transferable. ^{Permit}

Cancellation
or suspension
of permit

(3) The Comptroller may,

- (a) refuse to issue a permit to any vendor; or
- (b) suspend or cancel the permit of any vendor if such vendor or any of his employees contravenes any of the provisions of this Act,

but, before a refusal, suspension or cancellation is made, the vendor shall be afforded an opportunity to appear before the Comptroller to show cause why the issuance of a permit should not be refused or why the permit should not be suspended or cancelled, as the case may be.

Information

(4) Every application for a permit shall be made in the form prescribed by the Comptroller and shall set forth the name under which the applicant transacts or intends to transact business, the location of his place or places of business, and such other information as is required, and the application shall be signed,

- (a) by the vendor, if a natural person;
- (b) in the case of an association or partnership, by a member or partner;
- (c) in the case of a corporation, by an executive officer or some person specifically authorized by the corporation to sign the application to which shall be attached the written evidence of his authority.

Display of
permit

(5) A permit issued under subsection 2, is valid only for the person in whose name it is issued and for the transaction of business at the place designated therein.

Term of
permit

(6) A permit remains in force so long as the place of business for which it is issued remains the place of business of the vendor or until suspended or cancelled, as the case may be.

Offence

(7) Every vendor who fails to comply with any provision of this section is guilty of an offence against this Act.

Sales in
bulk
R.S.O. 1960,
c. 43

4.—(1) No person shall dispose of his stock through a sale in bulk as defined in *The Bulk Sales Act* without first obtaining a certificate in duplicate from the Comptroller that all taxes collected by such person have been paid.

Idem

(2) Every person purchasing stock through a sale in bulk as defined in *The Bulk Sales Act* shall obtain from the person selling such stock the duplicate copy of the certificate fur-

nished under subsection 1, and, if he fails to do so, he is responsible for payment to the Comptroller of all taxes collected by the person thus disposing of his stock through a sale in bulk.

5. The following classes of tangible personal property are Exemptions exempt from the tax imposed by this Act:

1. food products for human consumption off the premises where sold, except candies and other confections and soft drinks;
2. prepared meals consumed on the premises where sold at a price of \$1.50 or less;
3. gasoline taxed under *The Gasoline Tax Act*; R.S.O. 1960,
c. 162
4. gasoline used by farmers or commercial fishermen on which refunds of tax are entitled to be granted or have been granted under *The Gasoline Tax Act*;
5. fuel taxed under *The Motor Vehicle Fuel Tax Act*; R.S.O. 1960,
c. 248
6. fuel oil not taxed under *The Motor Vehicle Fuel Tax Act*;
7. coal;
8. coke;
9. wood;
10. natural gas and manufactured gas;
11. electricity for all purposes;
12. farm implements and repair parts, except electric storage batteries and tires when purchased separately;
13. farm machinery and repair parts, except electric storage batteries and tires when purchased separately;
14. grains;
15. forage crop seed;
16. garden seed;
17. fertilizer;

18. binder twine;
19. agricultural products, including live stock when sold by the producer thereof;
20. grain fungicides;
21. weed control chemicals;
22. grasshopper bait;
23. materials and equipment required for irrigation purposes and drainage tile for which the purchaser has a certificate, issued by an officer of the Department of Agriculture designated by the Minister of Agriculture for that purpose, certifying that such material, equipment or tile is required by the purchaser for agricultural purposes;
24. fruit trees;
25. shrubs;
26. plants;
27. natural water, including ice and steam;
28. clay, sand, gravel and unfinished stone;
29. boats, fishing-nets and other fishing apparatus utilized in catching fish for human consumption, purchased by a *bona fide* commercial fisherman for use solely in his trade;
30. vessels of more than 500 tons gross;
31. drugs and medicines when sold on the prescription of a physician, dentist or veterinarian;
32. artificial limbs;
33. orthopaedic appliances;
34. equipment designed solely for the use of blind persons, cripples or chronic invalids;
35. hearing aids;
36. dentures;

37. dental appliances when sold on the prescription of a dentist;
38. optical appliances when sold on the prescription of an optometrist or physician;
39. machinery and apparatus and parts thereof, as defined by the Treasurer, that in his opinion are to be used directly in the process of manufacture or production of tangible personal property for sale;
40. materials, as defined by the Treasurer, consumed or expended directly in the process of manufacture or production of tangible personal property for sale;
41. tangible personal property purchased for the purpose of being processed, fabricated or manufactured into, attached to, or incorporated into, tangible personal property for the purpose of sale;
42. tangible personal property to be shipped by the vendor for delivery outside Ontario, including ships' stores delivered to commercial vessels of more than 500 tons gross that normally operate in extra-territorial waters;
43. tangible personal property, except beer, cigarettes and other tobacco products, purchased at a price of less than 17 cents;
44. railway rolling stock and repairs thereto;
45. children's clothing and children's footwear as the Lieutenant Governor in Council may determine by regulation;
46. school text-books;
47. books that are printed and bound and that are published solely for educational, technical, cultural or literary purposes, but not directories, price lists, time tables, rate books, catalogues, periodic reports, fashion books, albums, magazines, periodicals, books for drawing upon, or any books of the same general classes;
48. newspapers, however purchased;
49. magazines and periodicals when purchased by subscription for delivery by mail;

50. draft beer sold by the keg to the owners of licensed premises for resale by the glass on such premises;

51. draft beer sold by the glass on licensed premises;

52. food, liquor, beer or wine, the charge for which forms part of the price of admission charged a purchaser under *The Hospitals Tax Act* for admission to a place of entertainment under that Act;

53. long distance telephone charges and tolls.

R.S.O. 1960,
c. 178

Vendor to
be collector

6.—(1) Every vendor is an agent of the Treasurer and as such shall levy and collect the taxes imposed by this Act upon the purchaser or consumer.

Idem

(2) No person acting under subsection 1 shall thus be made ineligible as a member of the Assembly.

Taxes
collected
at the time
of sale

7. The taxes imposed by this Act, whether the purchase price be stipulated to be payable in cash or on terms or by instalments or otherwise, shall be collected at the time of the sale on the whole amount of the purchase price and be remitted to the Treasurer at the times and in the manner prescribed by the regulations.

Accounting
by vendors

8. All taxes collected by a vendor under this Act shall be remitted to the Treasurer at the time or times and in such manner as are prescribed by the regulations.

Compensa-
tion to
vendors

9.—(1) The Treasurer may enter into such arrangement with each vendor as he deems expedient for the payment of such remuneration for his services in collecting and remitting the tax as the Treasurer deems proper.

Idem

(2) No person accepting remuneration under subsection 1 shall thus be made ineligible as a member of the Assembly.

Returns

10. Every vendor shall make returns to the Comptroller and shall keep such records in the form and substance as are prescribed by the regulations, and any failure so to do constitutes an offence against this Act.

Records of
manufac-
turers, etc.

11. Every manufacturer, wholesaler, importer, jobber, agent and vendor shall keep records of all purchases and sales made by him of tangible personal property whether for consumption or use or for resale, and any failure so to do constitutes an offence against this Act.

12. Returns made and information given under this Act ^{Secrecy} shall be available only to persons authorized by the Treasurer and for the purposes of this Act.

13.—(1) When a vendor having sold tangible personal ^{Assessment of tax collected} property fails to make a return or a remittance as required under this Act or if his returns are not substantiated by his records, the Comptroller may make an assessment of the tax collected by such vendor for which he has not accounted and such assessed amount shall thereupon be deemed to be the tax collected by the vendor.

(2) Where it appears from an inspection, audit or examination of the books of account, records or documents of any vendor or purchaser that this Act or the regulations have not been complied with, the person making the inspection, audit or examination shall calculate the tax collected by the vendor or payable by the purchaser in such manner and form and by such procedure as the Comptroller deems adequate and expedient, and the Comptroller shall assess the amount of the tax collected by the vendor or payable by the purchaser, as the case may be. ^{Assessment on inspection}

(3) The Comptroller may, at any time he considers reasonable, assess or re-assess any tax collectable by a vendor or ^{Assessment from time to time} any tax payable by a purchaser under this Act.

(4) Where the Comptroller has made an assessment under subsection 1, he may send by registered mail or by personal ^{Notice of assessment under subs. 1} service a notice of the assessment to the vendor, requiring that the amount of the assessment made under subsection 1 be remitted to the Treasurer or otherwise accounted for.

(5) Proof that notice under subsection 4 has been mailed ^{Proof} or served constitutes *prima facie* evidence that the amount stated therein is due and owing, and the onus of proving otherwise rests on the vendor.

(6) The Comptroller shall send by registered mail a notice ^{Notice of assessment under subs. 2 or 3} of the assessment made under subsection 2 or 3 to the vendor or purchaser, as the case may be, at his last known address, and, where the vendor or purchaser has more than one address, one of which is in Ontario, such notice shall be sent to his address in Ontario.

(7) Liability for tax imposed by this Act is not affected ^{Continuation of liability for tax} by an incorrect or incomplete assessment or by the fact that no assessment has been made.

(8) The Comptroller is not bound by a return or information ^{Comptroller not bound by returns} delivered by or on behalf of any person under this Act and

may, notwithstanding a return or information so delivered or if no return or information has been delivered, assess the tax payable under this Act.

Assessment
valid and
binding

(9) An assessment, subject to being varied or vacated on an objection or appeal and subject to a re-assessment, shall be deemed to be valid and binding notwithstanding any error, defect or omission therein or in any proceeding under this Act relating thereto.

Payment

14.—(1) Every vendor or purchaser shall, within thirty days from the day of mailing of the notice of assessment under subsection 4 or 6 of section 13, pay any part of the assessed tax then remaining unpaid, whether or not an objection to or appeal from the assessment is outstanding.

Idem

(2) Where in the opinion of the Comptroller a vendor or a purchaser is attempting to avoid payment of the tax imposed by this Act or where the Comptroller has assessed the tax payable under this Act pursuant to subsection 1, 2 or 3 of section 13, he may, notwithstanding subsection 4 or 6 of section 13, serve the notice of assessment upon the vendor or the purchaser, as the case may be, and, if the vendor or the purchaser is a partnership or a corporation, the notice of assessment may be served on a partner or the president, manager, secretary or other director, agent or representative thereof, and the Comptroller may direct that all taxes as set out therein shall be paid forthwith.

Purchaser
liable

15. The purchaser is liable for the tax imposed by this Act until it has been collected, and, in the event of failure on the part of the vendor to collect the tax, he shall immediately notify the Comptroller, and the purchaser may be sued therefor in any court of competent jurisdiction.

Liability
for payment
of tax

16. Every person who collects any tax under this Act shall be deemed to hold it in trust for Her Majesty in right of Ontario and for the payment over of it in the manner and at the time provided under this Act and the regulations, and the amount, until paid, forms a lien and charge on the assets of his estate in the hands of any trustee, having priority over all other claims of any person.

Notice of
objection

17.—(1) Where a vendor or a purchaser objects to an assessment made under section 13, he may, within thirty days from the day of mailing of the notice of assessment, serve on the Treasurer a notice of objection in duplicate in the prescribed form setting out the reasons for the objection and all relevant facts.

(2) A notice of objection under this section shall be served ^{Service} by being sent by registered mail addressed to the Comptroller.

(3) Upon receipt of the notice of objection, the Treasurer shall with all due despatch reconsider the assessment and vacate, confirm or vary the assessment or re-assess and he shall thereupon notify the vendor or the purchaser, as the case may be, of his action by registered letter. ^{Reconsideration}

18.—(1) Where a person has served notice of objection ^{Appeal} under section 17, he may appeal to the Supreme Court to have the assessment vacated or varied after the Treasurer has confirmed or re-assessed, but no appeal under this section shall be instituted after the expiration of ninety days from the day notice has been mailed to such person under section 17 that the Treasurer has confirmed the assessment or re-assessed it.

(2) An appeal to the Supreme Court shall be instituted ^{Appeals, how instituted} by serving on the Treasurer a notice of appeal in duplicate in the prescribed form and by filing a copy thereof with the Registrar of the Supreme Court or the local registrar of the Supreme Court for the county or district in which the person appealing resides or has his place of business.

(3) A notice of appeal shall be served on the Treasurer by ^{Service} being sent by registered mail addressed to the Comptroller.

(4) The person appealing shall set out in the notice of ^{Statement of allegations} appeal a statement of the allegations of fact and the statutory provisions and reasons that he intends to submit in supporting his appeal.

(5) An appeal under this section and all proceedings thereunder are, upon the expiration of sixty days from the day the appeal is instituted, null and void unless security for the costs of the appeal has been, within the same period, paid into court in such sum, not exceeding \$400, as the Treasurer requires and, upon an appeal becoming null and void by virtue of this subsection, no other appeal or proceeding shall be instituted in respect of the same decision. ^{Security for costs}

(6) When security has been given under subsection 5, ^{Idem} notice thereof shall be served on the Treasurer specifying the fact and the purpose of the payment.

19.—(1) The Treasurer shall with all due despatch serve ^{Reply to notice of appeal} on the person appealing and file in the court a reply to the notice of appeal admitting or denying the facts alleged and containing a statement of such further allegations of fact and of such statutory provisions and reasons as he intends to rely on.

Amendment
of notice
of appeal

(2) The court or a judge may in its or his discretion strike out a notice of appeal or any part thereof for failure to comply with subsection 4 of section 18 and may permit an amendment to be made to a notice of appeal or a new notice of appeal to be substituted for the one struck out.

Amendment
to reply

(3) The court or a judge may in its or his discretion,

(a) strike out any part of a reply for failure to comply with subsection 1 or permit the amendment of a reply; or

(b) strike out a reply for failure to comply with this section and order a new reply to be filed within a time to be fixed by the order.

Failure to
comply

(4) Where a notice of appeal is struck out for failure to comply with subsection 4 of section 18 and a new notice of appeal is not filed as and when permitted by the court or a judge, the court or a judge may, in its or his discretion, dispose of the appeal by dismissing it.

Idem

(5) Where a reply is not filed as required by this section or is struck out under this section and a new reply is not filed as ordered by the court or a judge within the time ordered, the court may dispose of the appeal *ex parte* or after a hearing on the basis that the allegations of fact contained in the notice of appeal are true.

Matter
deemed
action

20.—(1) Upon the filing of the material referred to in section 18 with the Registrar of the Supreme Court or the local registrar of the Supreme Court for the county or district in which the person appealing resides or has his place of business, the matter shall be deemed to be an action in the court and, unless the court otherwise orders, ready for hearing.

Facts not
set out
may be
pleaded

(2) Any fact or statutory provision not set out in the notice of appeal or reply may be pleaded or referred to in such manner and upon such terms as the court directs.

Disposal
of appeal

(3) The court may dispose of the appeal by,

(a) dismissing it;

(b) allowing it; or

(c) allowing it, and

(i) vacating the assessment,

- (ii) varying the assessment,
- (iii) restoring the assessment, or
- (iv) referring the assessment back to the Treasurer for reconsideration and re-assessment.

(4) The court may, in delivering judgment disposing of an appeal, order payment or refund of tax by the appellant or the Treasurer, as the case may be, and may make such order as to costs as is deemed proper. Court may order payment of tax, etc.

21. Proceedings pursuant to sections 18, 19, 20 and 22 shall be held *in camera* on request made to the court by the person appealing or by the Treasurer. Proceedings in camera

22. The practice and procedure of the Supreme Court, including the right of appeal and the practice and procedure relating to appeals, apply to every matter deemed to be an action under section 18, and every judgment and order given or made in every such action may be enforced in the same manner and by the like process as a judgment or order given or made in an action commenced in the court. Supreme Court practice to govern

23. An assessment shall not be vacated or varied on appeal by reason only of any irregularity, informality, omission or error on the part of any person in the observation of any directory provision of this Act. Irregularities

24.—(1) Any person thereunto authorized by the Treasurer for any purpose related to the administration or enforcement of this Act may at all reasonable times enter into any premises or place where any business is carried on or any property is kept or anything is done in connection with any business or any books or records are or should be kept pursuant to this Act, and, Investigations

- (a) audit or examine the books and records and any account, voucher, letter, telegram or other document that relates or may relate to the information that is or should be in the books or records or the amount of tax collectable or payable under this Act;
- (b) examine the property described by an inventory or any property, process or matter, an examination of which may, in his opinion, assist him in determining the accuracy of an inventory or in ascertaining the information that is or should be in the books or records or the amount of any tax collectable or payable under this Act;

- (c) require a vendor or purchaser liable to collect or pay or considered possibly liable to collect or pay tax under this Act or, if such vendor or purchaser is a partnership or corporation, require a partner or the president, manager, secretary or any director, agent or representative thereof and any other person on the premises of such vendor or purchaser to give him all reasonable assistance with his audit or examination and to answer all questions relating to the audit or examination, either orally or, if he so requires, in writing, on oath or by statutory declaration, and for that purpose require such person to attend at the premises or place with him; and
- (d) if during the course of an audit or examination it appears to him that there has been a contravention of this Act or the regulations, seize and take away any of the records, books, accounts, vouchers, letters, telegrams and other documents and retain them until they are produced in any court proceedings.

Idem

(2) The Comptroller may, for any purpose related to the administration or enforcement of this Act, by registered letter or by a demand served personally, require from any vendor or purchaser or, if any such vendor or purchaser is a partnership or corporation, from a partner or the president, manager, secretary or any director, agent or representative thereof,

- (a) any information or additional information or a return as required under section 10 or a supplementary return; or
- (b) production, or production on oath, of any books, letters, accounts, invoices, statements, financial or otherwise, or other documents,

within such reasonable time as is stipulated therein.

Idem

(3) The Comptroller may, for any purpose related to the administration or enforcement of this Act, by registered letter or by a demand served personally, require from any person, partnership, syndicate, trust or corporation holding or payable or liable to pay any amount to a vendor or purchaser, or from any partner, agent, or official of any such person, partnership, syndicate, trust or corporation, production, or production on oath, of any books, letters, accounts, invoices, statements, financial or otherwise, or other documents, within such reasonable time as is stipulated therein.

(4) The Comptroller may, for any purpose related to the ^{Idem} administration or enforcement of this Act, with the approval of a judge of the Supreme Court, which approval the judge is hereby empowered to give upon *ex parte* application, authorize in writing any officer of the Office of the Comptroller of Revenue, together with such members of the Ontario Provincial Police Force or other peace officers as he calls upon to assist him and such other persons as are named therein, to enter and search, if necessary by force, any building, receptacle or place for documents, books, records, papers or things that may afford evidence as to the contravention of any provision of this Act or the regulations and to seize and to take away any such documents, books, records, papers or things and retain them until they are produced in any court proceedings.

(5) The Comptroller may, by registered letter or by a demand served personally, require the production, under oath or otherwise, by any person, partnership, syndicate, trust or corporation, or by his or its agent or officer, of any letters, accounts, invoices, statements, financial or otherwise, books or other documents in the possession or in the control of such person, partnership, syndicate, trust or corporation or of his or its agent or officer for the purpose of determining what tax, if any, is collectable or payable under this Act by any vendor or purchaser, and production thereof shall be made within such reasonable time as is stipulated in such registered letter or demand. ^{Production of evidence to prove tax payable by another person}

(6) The Comptroller may, for any purpose related to the ^{Inquiry} administration or enforcement of this Act, authorize any person, whether or not he is an officer of the Office of the Comptroller of Revenue, to make such inquiry as he deems necessary with reference to anything relating to the administration or enforcement of this Act.

(7) Where a book, record or other document has been ^{Copies} seized, examined or produced under this section, the person by whom it is seized or examined or to whom it is produced, or any officer of the Office of the Comptroller of Revenue, may make or cause to be made, one or more copies thereof, and a document purporting to be certified by the Comptroller or a person thereunto authorized by the Comptroller to be a copy made pursuant to this section is admissible in evidence and has the same probative force as the original document would have had if it had been proved in the ordinary way.

(8) No person shall hinder or molest or interfere with any ^{Compliance} person doing anything that he is authorized by this section to do or prevent or attempt to prevent any person doing any such thing.

Idem

(9) Notwithstanding any other law to the contrary, every person shall, unless he is unable to do so, do everything he is required by this section to do.

Administra-
tion of
oaths

(10) Declarations or affidavits in connection with returns delivered under this Act or statements of information submitted pursuant to this section may be taken before any person having authority to administer an oath or before any person specially authorized for that purpose by the Lieutenant Governor in Council, but any person so specially authorized shall not charge any fee therefor.

Powers of
inquiry

(11) For the purpose of an inquiry under subsection 6, the person authorized to make the inquiry has all the powers and authority that may be conferred upon a commissioner appointed under *The Public Inquiries Act*.

R.S.O. 1960,
c. 323Penalty for
default in
filing
returns

25.—(1) Every vendor who fails to deliver a return as and when required shall pay a penalty of,

(a) an amount equal to 5 per cent of the tax that was collectable by him for the period covered by the return, if the amount of such tax was less than \$10,000; and

(b) \$500, if the amount of such tax was \$10,000 or more.

Failure to
complete
return

(2) Every vendor who fails to complete the information required on the return to be delivered under section 10 is liable to a penalty of 1 per cent of the tax collectable by him for the period covered by the return, but such penalty shall not in any case be less than \$20 or more than \$100.

False
statements

(3) Every person who has,

(a) made, or participated in, assented to or acquiesced in the making of, false or deceptive statements in a return, certificate, statement or answer, delivered or made as required by or under this Act or the regulations;

(b) to evade payment of a tax imposed by this Act, destroyed, altered, mutilated, secreted or otherwise disposed of the records or books of account of the vendor or purchaser;

- (c) made, or assented to or acquiesced in the making of, false or deceptive entries, or omitted, or assented to or acquiesced in the omission, to enter a material particular in records or books of account of a vendor or purchaser;
- (d) wilfully, in any manner, evaded or attempted to evade compliance with this Act or payment of taxes imposed by this Act; or
- (e) conspired with any person to commit any offence described in clauses *a* to *d*,

is guilty of an offence and, in addition to any penalty otherwise provided by this Act, is liable on summary conviction to a fine of not less than \$25 and not more than \$10,000 plus, in an appropriate case, an amount of not more than double the amount of the tax that should have been declared to be collectable or payable or that was sought to be evaded, or to imprisonment for a term of not more than two years, or to both.

26. The Comptroller may enlarge the time for making any return before or after the time for making it. Extended
time for
making
returns

27.—(1) Any amount payable or to be remitted to the Treasurer under this Act bears interest at the rate of 6 per cent per annum from the day on which such amount should have been paid or remitted to the Treasurer to the day of payment or until thirty days following the day on which a notice of assessment is mailed under subsection 4 or 6 of section 13, whichever is the earlier date. Interest

(2) The amount due as shown by a notice of assessment made under subsection 4 or 6 of section 13 shall, if it is not paid within thirty days from the day of mailing of the notice of assessment, bear interest at the rate of 9 per cent per annum calculated from thirty days after the day of mailing of the notice of assessment until the day of payment. Idem

28.—(1) When the Comptroller has knowledge or suspects that a person is or is about to become indebted or liable to make any payment to a person liable to make a payment or remittance under this Act, he may, by registered letter or by a letter served personally, require the first-named person to pay the moneys otherwise payable to the second-named person in whole or in part to the Treasurer on account of the liability under this Act. Garnish-
ment

(2) The receipt of the Treasurer for moneys paid as required under this section is a good and sufficient discharge of the original liability to the extent of the payment. Idem

Liability
of debtor

(3) Every person who has discharged any liability to a person liable to make a payment or remittance under this Act without complying with the requirement under this section is liable to pay Her Majesty in right of Ontario an amount equal to the liability discharged or the amount that he was required under this section to pay to the Treasurer, whichever is the lesser.

Service of
garnishee

(4) Where a person who is or is about to become indebted or liable to make a payment to a person liable to make a payment or remittance under this Act carries on business under a name or style other than his own name, the registered or other letter under subsection 1 may be addressed to the name or style under which he carries on business and, in the case of personal service, shall be deemed to have been validly served if it has been left with an adult person employed at the place of business of the addressee.

Idem

(5) Where the persons who are or are about to become indebted or liable to make a payment to a person liable to make a payment or remittance under this Act carry on business in partnership, the registered or other letter under subsection 1 may be addressed to the partnership name and, in the case of personal service, shall be deemed to have been validly served if it has been served on one of the partners or left with an adult person employed at the place of business of the partnership.

Recovery of
tax

29.—(1) Upon default of payment by a vendor or purchaser of any tax collectable or payable under this Act,

(a) the Treasurer may bring an action for the recovery thereof in any court in which a debt or money demand of a similar amount may be collected, and every such action shall be brought and executed in and by the name of the Treasurer or his name of office and may be continued by his successor in office as if no change had occurred and shall be tried without a jury;

(b) the Treasurer may issue a warrant directed to the sheriff of any county or district in which any property of a person liable to make a payment or remittance under this Act is located or situate for the amount of the tax owing by him, together with interest thereon from the date of the issue of the warrant and the costs, expenses and poundage of the sheriff, and such warrant has the same force and effect as a writ of execution issued out of the Supreme Court.

(2) For the purpose of any proceeding taken under this Act, the facts necessary to establish compliance on the part of the Treasurer or the Comptroller with this Act as well as the failure of any person, partnership, syndicate, trust or corporation to comply with the requirements of this Act shall, unless evidence to the contrary satisfactory to the court is adduced, be sufficiently proved in any court of law by affidavit of the Treasurer or of any officer of the Office of the Comptroller of Revenue.

30. The use of any of the remedies provided by sections 28 and 29 does not bar or affect any of the other remedies therein provided, and the remedies provided by this Act for the recovery and enforcement of the payment of any tax imposed by this Act are in addition to any other remedies existing by law, and no action or other proceeding taken in any way prejudices, limits or affects any lien, charge or priority existing under this Act or otherwise.

31.—(1) The Comptroller may require any vendor to deposit with the Treasurer a bond by way of cash or other security satisfactory to the Treasurer in an amount to be determined by the Comptroller but not greater than an amount equal to six times the amount of the estimated tax that would normally be collected by the vendor each month under this Act.

(2) Where a vendor who has deposited a bond with the Treasurer under subsection 1 has failed to collect or remit tax in accordance with this Act, the Comptroller may, by giving written notice to the vendor by registered mail or personal service, apply the bond in whole or in part to the amount that should have been collected, remitted or paid by the vendor as the amount due to Her Majesty in right of Ontario as of the date of the notice.

32. No vendor shall advertise or hold out or state to the public or to any purchaser, directly or indirectly, that the tax or any part thereof imposed by this Act will be assumed or absorbed by him or that it will not be considered as an element in the price to the purchaser, or, if added, that it or any part thereof will be refunded.

33.—(1) Every vendor who has failed to deliver a return as and when required by this Act or the regulations is guilty of an offence and on summary conviction is liable to a fine of not less than \$25 for each day during which the default continues.

(2) Every person who contravenes section 10, 11 or 24 is guilty of an offence and on summary conviction is liable to a fine of \$25 for each day during which the default continues.

Officers,
etc., of
corporations

34. Where a corporation is guilty of an offence under this Act, any officer, director or agent of the corporation who directed, authorized, assented to, acquiesced in, or participated in, the commission of the offence is a party to and guilty of the offence and on summary conviction is liable to the punishment provided for the offence whether or not the corporation has been prosecuted or convicted.

General
penalty

35.—(1) Subject to subsection 2, a person guilty of an offence against this Act is liable on summary conviction to a fine of not less than \$10 and not more than \$1,000.

Penalty for
failure to
collect tax

(2) Every person who fails to collect the tax imposed by this Act is liable on summary conviction to a fine equal to the amount of the tax that should have been collected as determined under subsection 3 and, in addition, an amount not less than \$10 and not more than \$1,000.

Idem

(3) The Comptroller shall determine the amount of the tax referred to in subsection 2 from such information as is available to him and shall issue a certificate as to the amount, but, except where he deems there has been deliberate evasion of this Act, the Comptroller shall not consider a period of more than three years in determining the amount of the tax referred to.

Idem

(4) In any prosecution under subsection 2, a certificate signed or purported to be signed by the Comptroller stating the amount of tax that should have been collected is *prima facie* evidence of the amount of tax that should have been collected and of the authority of the person giving or making the certificate without any proof of appointment or signature.

Idem

(5) Any information in respect of an offence under this Act may be for one or more than one offence, and no information, warrant, conviction or other proceeding in a prosecution under this Act is objectionable or insufficient by reason of the fact that it relates to two or more offences.

Idem

(6) Neither the application of any provision of this section nor the enforcement of any penalty hereunder suspends or affects any remedy for the recovery of any tax payable under this Act.

Disposition
of fines

(7) Fines imposed under this Act shall be paid to the Treasurer on behalf of Her Majesty in right of Ontario.

Onus of
proof

36. In any prosecution for failure to pay the tax or collect or remit the tax, the onus of proving that the tax was paid, collected or remitted, as the case may be, to the Comptroller is upon the accused.

37. An information in respect of an offence against this ^{Limitation} Act shall be laid within six years of the time when the matter of the information arose.

38.—(1) In a prosecution against a vendor under this ^{Evidence in} Act, the application form he filed for a permit under section 3 ^{prosecutions} is *prima facie* evidence that the person charged is a vendor under this Act and a return filed by him is *prima facie* evidence that he collected tax under this Act.

(2) Where a vendor is described as a partnership on an ^{Idem} application form for a permit under section 3, the application form is *prima facie* evidence that the persons named therein are members of such partnership and a return form filed by the partnership is *prima facie* evidence that the partnership collected tax.

39.—(1) For the purpose of carrying into effect the pro- ^{Regulations} visions of this Act according to their true intent and of supplying any deficiency therein, the Lieutenant Governor in Council may make such regulations as are considered necessary and advisable.

(2) Without limiting the generality of subsection 1, the ^{Idem} Lieutenant Governor in Council may make regulations,

- (a) prescribing the forms and records to be used for the purpose of this Act or the regulations;
- (b) prescribing the method of collection and remittance of the tax and any condition or requirement affecting such collection or remittance;
- (c) authorizing a designated officer or class of officers to exercise any of the powers or perform any of the duties of the Comptroller under this Act;
- (d) defining any expression used in this Act or the regulations;
- (e) providing for the rebate of the tax in whole or in part to,
 - (i) the governing body of any religious, charitable or benevolent organization in respect of tangible personal property entering into capital investment by such organization,
 - (ii) the governing body of any hospital, nurses' home, school or university in respect of

tangible personal property purchased by such governing body that enters directly into and becomes part of the construction of a hospital, nurses' home, school or university building,

and prescribing the terms and conditions under which such rebates may be made;

- (f) providing for relaxing the strictness of this Act relative to the incidence or collection of tax hereunder in special circumstances where, without relaxation, inconvenience or hardship might result, including cases involving the purchase of tangible personal property at bazaars and rummage sales.

Commence-
ment

40.—(1) Every vendor who is in business on the 1st day of May, 1961, shall apply for a permit under subsection 4 of section 3 before the 15th day of July, 1961.

Idem

(2) Subject to subsection 1, section 3 comes into force on the 1st day of August, 1961.

Idem

(3) Subject to subsections 1 and 2, this Act comes into force on the 1st day of September, 1961.

Short title

41. This Act may be cited as *The Retails Sales Tax Act, 1960-61*.

An Act to impose a Tax
on Retail Sales

1st Reading

March 9th, 1961

2nd Reading

3rd Reading

MR. ALLAN (Haldimand-Norfolk)

BILL 107

2ND SESSION, 26TH LEGISLATURE, ONTARIO
9-10 ELIZABETH II, 1960-61

An Act to impose a Tax on Retail Sales

MR. ALLAN (Haldimand-Norfolk)

(Reprinted as amended by the Committee of the Whole House)

EXPLANATORY NOTE

The purpose of this Bill is to provide for the imposition and collection of a retail sales tax of 3 per cent on certain goods and services sold in Ontario on and after September 1, 1961.

BILL 107

1960-61

An Act to impose a Tax on Retail Sales

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

1. "collector" means a person who collects taxes under this Act;
2. "Comptroller" means the Comptroller of Revenue;
3. "consumer" or "user" means a person who,
 - (a) utilizes or intends to utilize in Ontario tangible personal property for his own consumption or for the consumption of any other person at his expense, or
 - (b) utilizes or intends to utilize in Ontario tangible personal property on behalf of or as the agent for a principal who desired or desires to so utilize such property for consumption by the principal or by any person at the expense of the principal;
4. "consumption" includes the use, and the incorporation into any structure, building or fixture, of tangible personal property including that manufactured by the consumer or further processed or otherwise improved by him;
5. "fair value" includes,
 - (a) the price for which the tangible personal property was purchased, including the value in terms of Canadian money of services rendered and things exchanged and other considerations

accepted by the vendor or person from whom the property passed as the price or on account of the price of the property purchased,

- (b) the cost of or charges for customs, excise and transportation, whether or not such are shown separately in the books of the vendor or on an invoice, and
 - (c) the cost of installation where the contract under which the property is acquired provides for the acquisition of the property and its installation for one consideration;
6. "food products" does not include spirituous, malt or vinous liquors, medicines, tonics and preparations in liquid, powdered, granular, tablet, capsule, lozenge or pill form sold as dietary supplements or adjuncts;
 7. "person", in addition to its meaning in *The Interpretation Act*, includes Her Majesty in right of Ontario, a municipal corporation, or a local board thereof, as defined in *The Department of Municipal Affairs Act*, and any board, commission or authority established under any Act of the Legislature;
 8. "purchaser" means a consumer who acquires tangible personal property at a sale in Ontario for his own consumption or use, or for the consumption or use of other persons at his expense, on behalf of, or as agent for, a principal who desires to acquire such property for consumption or use by such principal or other persons at his expense;
 9. "regulations" means the regulations made under this Act;
 10. "retail sale" means a sale to a purchaser for the purpose of consumption or use and not for resale;
 11. "sale" means,
 - (a) any transfer of title or possession, exchange, barter, lease or rental, conditional or otherwise, including a sale on credit or where the price is payable by instalments, or any other contract whereby at a price or other consideration a person delivers to another person tangible personal property,

R.S.O. 1960,
cc. 191 '98

- (b) the production, fabrication, processing, printing or imprinting of tangible personal property for a consideration for consumers who furnish either directly or indirectly the materials used in the production, fabrication, processing, printing or imprinting,
 - (c) the furnishing and distribution of tangible personal property for a consideration by social clubs or fraternal organizations to their members or others,
 - (d) the furnishing, preparation or service for a consideration of food, meals or drinks,
 - (e) a transaction whereby the possession of tangible personal property is transferred but the vendor retains the title as security for payment of the price,
 - (f) a transfer for a consideration of the title to or possession of tangible personal property that has been produced, fabricated, printed or imprinted to the order of the purchaser;
12. "storage" includes any keeping or retention in Ontario for any purpose except retail sale or subsequent use outside Ontario of tangible personal property purchased from a vendor, but does not include the keeping, retaining or exercising of any right or power over tangible personal property shipped or brought into Ontario for the purpose of transporting it subsequently outside Ontario or for the purpose of being processed, fabricated or manufactured into, attached to or incorporated into other tangible personal property to be transported outside Ontario and thereafter used solely outside Ontario;
 13. "tangible personal property" means personal property that can be seen, weighed, measured, felt or touched, or that is in any other way perceptible to the senses, and includes electricity, natural or manufactured gas and telephone services;
 14. "tax" includes all penalties and interest that are or may be added to a tax under this Act;
 15. "transfer of possession", "lease" or "rental" includes only transactions held by the Comptroller to be in lieu of a transfer of title, exchange or barter;

16. "Treasurer" means the Treasurer of Ontario;

17. "use" includes storage and the exercise of any right or power over tangible personal property incidental to the ownership of that property, but it does not include the sale of that property at a retail sale or the keeping, retaining or exercising of any right or power over tangible personal property shipped or brought into Ontario for the purpose of transporting it subsequently outside Ontario for use thereafter solely outside Ontario or for the purpose of being processed, fabricated or manufactured into, attached to or incorporated into other tangible personal property to be transported outside Ontario and thereafter used solely outside Ontario;

18. "vendor" means a person who, in the ordinary course of his business in Ontario, sells tangible personal property to a purchaser in Ontario.

Tax on
purchaser

2.—(1) Every purchaser of tangible personal property shall pay to Her Majesty in right of Ontario a tax in respect of the consumption or use thereof computed at the rate of 3 per cent of the fair value thereof.

Fair value

(2) If the tangible personal property to be consumed or used is purchased at a retail sale in Ontario, the purchaser shall pay such tax computed on the fair value thereof at the time of the sale.

Idem

(3) If the tangible personal property is not purchased at a retail sale in Ontario, the consumer shall pay such tax computed on the fair value thereof in the manner following:

1. If the property is primarily intended for consumption by use only, at the time it is brought into Ontario.
2. If the property is primarily intended for consumption otherwise than by use only, at the time of consumption.

Determina-
tion of
fair value

(4) Where the Comptroller deems it necessary or advisable, he may determine the fair value of any such property for the purposes of taxation under this Act, and thereupon the fair value of such property for such purpose shall be as so determined by him.

Payment of
tax on
delayed
delivery

(5) Every purchaser who, after the coming into force of this Act, takes delivery of any tangible personal property purchased by him prior to the coming into force of this Act

shall pay to Her Majesty in right of Ontario a tax at the rate of 3 per cent of the purchase price of such tangible personal property.

(6) If a person sells any tangible personal property at a retail sale in Ontario to a person who alleges that he is not purchasing it for consumption or use, he shall nevertheless require such person to pay the tax, but such payment shall be refunded by the Treasurer on receipt of satisfactory evidence that the tax was wrongfully paid. ^{Refund of tax}

(7) Every person residing or ordinarily resident or carrying on business in Ontario, who brings into Ontario or who receives delivery in Ontario of tangible personal property acquired by him for value for his own consumption or use, or for the consumption or use of other persons at his expense, or on behalf of, or as agent for, a principal who desires to acquire such property for the consumption or use by such principal or other persons at his expense, shall immediately report the matter in writing to the Comptroller and shall supply him with the invoice and all other pertinent information required by him in respect of the consumption or use of such property. ^{Tangible personal property brought into or received in Ontario}

(8) The tax imposed by this Act shall be calculated separately on every purchase and shall be computed to the nearest cent, and every fraction of less than one-half cent shall not be counted and every fraction of one-half cent or more shall be counted as one cent, but, where on the same occasion or as part of one transaction several items of tangible personal property are purchased, the total of the purchase shall be deemed to be one purchase for the purposes of this Act. ^{Calculation of tax}

(9) Where tangible personal property is accepted at the time of sale by the vendor on account of the price of other tangible personal property sold, the purchaser shall pay a tax at the rate provided in subsection 1 calculated on the difference between the fair value of the property sold and the credit allowed for the tangible personal property accepted on account of the purchase price in trade. ^{Tax on merchandise tendered in trade}

3.—(1) No vendor shall sell any tangible personal property in Ontario unless he has been granted upon his application a permit for each place in Ontario where he transacts business and such permit is in force at the time of the sale. ^{Vendor permits}

(2) Each such permit shall be issued by the Comptroller and shall be kept and conspicuously displayed at the place of business of the vendor for which the permit is issued and it is not transferable. ^{Permit}

Cancellation
or suspension
of permit

(3) The Comptroller may,

- (a) refuse to issue a permit to any vendor; or
- (b) suspend or cancel the permit of any vendor if such vendor or any of his employees contravenes any of the provisions of this Act,

but, before a refusal, suspension or cancellation is made, the vendor shall be afforded an opportunity to appear before the Treasurer to show cause why the issuance of a permit should not be refused or why the permit should not be suspended or cancelled, as the case may be.

Information

(4) Every application for a permit shall be made in the form prescribed by the Comptroller and shall set forth the name under which the applicant transacts or intends to transact business, the location of his place or places of business, and such other information as is required, and the application shall be signed,

- (a) by the vendor, if a natural person;
- (b) in the case of an association or partnership, by a member or partner;
- (c) in the case of a corporation, by an executive officer or some person specifically authorized by the corporation to sign the application to which shall be attached the written evidence of his authority.

Display of
permit

(5) A permit issued under subsection 2 is valid only for the person in whose name it is issued and for the transaction of business at the place designated therein.

Term of
permit

(6) A permit remains in force so long as the place of business for which it is issued remains the place of business of the vendor or until suspended or cancelled, as the case may be.

Offence

(7) Every vendor who fails to comply with any provision of this section is guilty of an offence against this Act.

Sales in
bulk
R.S.O. 1960,
c. 43

4.—(1) No person shall dispose of his stock through a sale in bulk as defined in *The Bulk Sales Act* without first obtaining a certificate in duplicate from the Comptroller that all taxes collected by such person have been paid.

Idem

(2) Every person purchasing stock through a sale in bulk as defined in *The Bulk Sales Act* shall obtain from the person selling such stock the duplicate copy of the certificate fur-

nished under subsection 1, and, if he fails to do so, he is responsible for payment to the Comptroller of all taxes collected by the person thus disposing of his stock through a sale in bulk.

5. The following classes of tangible personal property are Exemptions exempt from the tax imposed by this Act:

1. food products for human consumption off the premises where sold, except candies and other confections and soft drinks;
2. prepared meals consumed on the premises where sold at a price of \$1.50 or less;
3. gasoline taxed under *The Gasoline Tax Act*; R.S.O. 1960,
c. 162
4. gasoline used by farmers or commercial fishermen on which refunds of tax are entitled to be granted or have been granted under *The Gasoline Tax Act*;
5. fuel taxed under *The Motor Vehicle Fuel Tax Act*; R.S.O. 1960,
c. 248
6. fuel oil not taxed under *The Motor Vehicle Fuel Tax Act*;
7. coal;
8. coke;
9. wood;
10. natural gas and manufactured gas;
11. electricity for all purposes;
12. farm implements and repair parts, except electric storage batteries and tires when purchased separately;
13. farm machinery and repair parts, except electric storage batteries and tires when purchased separately;
14. oil-bearing seeds and seeds that will produce forage, cereal, fruit, root, vegetable and tobacco crops;
15. fertilizers, lime, insecticides, fungicides, herbicides, rodenticides and combinations thereof;
16. fodder grain, mill and other agricultural feeds, as defined by the Treasurer;
17. binder twine, baler twine, baler wire and barbed wire;
18. farm, hog and poultry fence, as defined by the Treasurer;

19. agricultural products, including live stock;
20. materials and equipment required for irrigation purposes and drainage tile for which the purchaser has a certificate, issued by an officer of the Department of Agriculture designated by the Minister of Agriculture for that purpose, certifying that such material, equipment or tile is required by the purchaser for agricultural purposes;
21. fruit trees;
22. shrubs;
23. plants;
24. aircraft, normally engaged as common carriers in foreign or interprovincial trade, and repairs thereto;
25. road-cleaning and fire-fighting vehicles, as defined by the Treasurer, purchased at a price of more than \$1,000 per vehicle;
26. natural water, including ice and steam;
27. clay, sand, gravel and unfinished stone;
28. boats, fishing-nets and other fishing apparatus utilized in catching fish for human consumption, purchased by a *bona fide* commercial fisherman for use solely in his trade;
29. vessels of more than 500 tons gross;
30. drugs and medicines when sold on the prescription of a physician, dentist or veterinarian;
31. artificial limbs;
32. orthopaedic appliances;
33. equipment designed solely for the use of blind persons, cripples or chronic invalids;
34. hearing aids;
35. dentures;

36. dental appliances when sold on the prescription of a dentist;
37. optical appliances when sold on the prescription of an optometrist or physician;
38. machinery and apparatus and parts thereof, as defined by the Treasurer, that in his opinion are to be used directly in the process of manufacture or production of tangible personal property for sale;
39. materials, as defined by the Treasurer, consumed or expended directly in the process of manufacture or production of tangible personal property for sale;
40. tangible personal property purchased for the purpose of being processed, fabricated or manufactured into, attached to, or incorporated into, tangible personal property for the purpose of sale;
41. tangible personal property to be shipped by the vendor for delivery outside Ontario, including ships' stores delivered to commercial vessels of more than 500 tons gross that normally operate in extra-territorial waters;
42. tangible personal property, purchased at a price of less than 17 cents;
43. railway rolling stock and repairs thereto;
44. children's clothing and children's footwear as the Lieutenant Governor in Council may determine by regulation;
45. school text-books and classroom supplies, as defined by the Treasurer, when purchased by a school board;
46. books that are printed and bound and that are published solely for educational, technical, cultural or literary purposes, but not directories, price lists, time tables, rate books, catalogues, periodic reports, fashion books, albums, magazines, periodicals, books for drawing upon, or any books of the same general classes;
47. newspapers, however purchased;
48. magazines and periodicals when purchased by subscription for delivery by mail;

49. draft beer sold by the keg to the owners of licensed premises for resale by the glass on such premises;

50. draft beer sold by the glass on licensed premises;

51. food, liquor, beer or wine, the charge for which forms part of the price of admission charged a purchaser under *The Hospitals Tax Act* for admission to a place of entertainment under that Act;

52. long distance telephone charges and tolls.

R.S.O. 1960,
c. 178

Vendor to
be collector

6.—(1) Every vendor is an agent of the Treasurer and as such shall levy and collect the taxes imposed by this Act upon the purchaser or consumer.

Idem

(2) No person acting under subsection 1 shall thus be made ineligible as a member of the Assembly.

Taxes
collected
at the time
of sale

7. The taxes imposed by this Act, whether the purchase price be stipulated to be payable in cash or on terms or by instalments or otherwise, shall be collected at the time of the sale on the whole amount of the purchase price and be remitted to the Treasurer at the times and in the manner prescribed by the regulations.

Accounting
by vendors

8. All taxes collected by a vendor under this Act shall be remitted to the Treasurer at the time or times and in such manner as are prescribed by the regulations.

Compensa-
tion to
vendors

9.—(1) The Treasurer may enter into such arrangement with each vendor as he deems expedient for the payment of such remuneration for his services in collecting and remitting the tax as the Treasurer deems proper.

Idem

(2) No person accepting remuneration under subsection 1 shall thus be made ineligible as a member of the Assembly.

Returns

10. Every vendor shall make returns to the Comptroller and shall keep such records in the form and substance as are prescribed by the regulations, and any failure so to do constitutes an offence against this Act.

Records of
manufac-
turers, etc.

11. Every manufacturer, wholesaler, importer, jobber, agent and vendor shall keep records of all purchases and sales made by him of tangible personal property whether for consumption or use or for resale, and any failure so to do constitutes an offence against this Act.

12. Returns made and information given under this Act ^{Secrecy} shall be available only to persons authorized by the Treasurer and for the purposes of this Act.

13.—(1) When a vendor, having sold tangible personal property fails to make a return or a remittance as required under this Act or if his returns are not substantiated by his records, the Comptroller may make an assessment of the tax collected by such vendor for which he has not accounted and such assessed amount shall thereupon be deemed to be the tax collected by the vendor. ^{Assessment of tax collected}

(2) Where it appears from an inspection, audit or examination of the books of account, records or documents of any vendor or purchaser that this Act or the regulations have not been complied with, the person making the inspection, audit or examination shall calculate the tax collected by the vendor or payable by the purchaser in such manner and form and by such procedure as the Comptroller deems adequate and expedient, and the Comptroller shall assess the amount of the tax collected by the vendor or payable by the purchaser, as the case may be. ^{Assessment on inspection}

(3) The Comptroller may, at any time he considers reasonable, assess or re-assess any tax collectable by a vendor or any tax payable by a purchaser under this Act. ^{Assessment from time to time}

(4) Where the Comptroller has made an assessment under subsection 1, he may send by registered mail or by personal service a notice of the assessment to the vendor, requiring that the amount of the assessment made under subsection 1 be remitted to the Treasurer or otherwise accounted for. ^{Notice of assessment under subs. 1}

(5) Proof that notice under subsection 4 has been mailed or served constitutes *prima facie* evidence that the amount stated therein is due and owing, and the onus of proving otherwise rests on the vendor. ^{Proof}

(6) The Comptroller shall send by registered mail a notice of the assessment made under subsection 2 or 3 to the vendor or purchaser, as the case may be, at his last known address, and, where the vendor or purchaser has more than one address, one of which is in Ontario, such notice shall be sent to his address in Ontario. ^{Notice of assessment under subs. 2 or 3}

(7) Liability for tax imposed by this Act is not affected by an incorrect or incomplete assessment or by the fact that no assessment has been made. ^{Continuation of liability for tax}

(8) The Comptroller is not bound by a return or information delivered by or on behalf of any person under this Act and ^{Comptroller not bound by returns}

may, notwithstanding a return or information so delivered or if no return or information has been delivered, assess the tax payable under this Act.

Assessment
valid and
binding

(9) An assessment, subject to being varied or vacated on an objection or appeal and subject to a re-assessment, shall be deemed to be valid and binding notwithstanding any error, defect or omission therein or in any proceeding under this Act relating thereto.

Payment

14.—(1) Every vendor or purchaser shall, within thirty days from the day of mailing of the notice of assessment under subsection 4 or 6 of section 13, pay any part of the assessed tax then remaining unpaid, whether or not an objection to or appeal from the assessment is outstanding.

Idem

(2) Where in the opinion of the Comptroller a vendor or a purchaser is attempting to avoid payment of the tax imposed by this Act or where the Comptroller has assessed the tax payable under this Act pursuant to subsection 1, 2 or 3 of section 13, he may, notwithstanding subsection 4 or 6 of section 13, serve the notice of assessment upon the vendor or the purchaser, as the case may be, and, if the vendor or the purchaser is a partnership or a corporation, the notice of assessment may be served on a partner or the president, manager, secretary or other director, agent or representative thereof, and the Comptroller may direct that all taxes as set out therein shall be paid forthwith.

Purchaser
liable

15. The purchaser is liable for the tax imposed by this Act until it has been collected, and, in the event of failure on the part of the vendor to collect the tax, he shall immediately notify the Comptroller, and the purchaser may be sued therefor in any court of competent jurisdiction.

Liability
for payment
of tax

16. Every person who collects any tax under this Act shall be deemed to hold it in trust for Her Majesty in right of Ontario and for the payment over of it in the manner and at the time provided under this Act and the regulations, and the amount, until paid, forms a lien and charge on the assets of his estate in the hands of any trustee, having priority over all other claims of any person.

Notice of
objection

17.—(1) Where a vendor or a purchaser objects to an assessment made under section 13, he may, within thirty days from the day of mailing of the notice of assessment, serve on the Treasurer a notice of objection in duplicate in the prescribed form setting out the reasons for the objection and all relevant facts.

(2) A notice of objection under this section shall be served ^{Service} by being sent by registered mail addressed to the Comptroller.

(3) Upon receipt of the notice of objection, the Treasurer shall with all due despatch reconsider the assessment and vacate, confirm or vary the assessment or re-assess and he shall thereupon notify the vendor or the purchaser, as the case may be, of his action by registered letter. ^{Reconsideration}

18.—(1) Where a person has served notice of objection ^{Appeal} under section 17, he may appeal to the Supreme Court to have the assessment vacated or varied after the Treasurer has confirmed or re-assessed, but no appeal under this section shall be instituted after the expiration of ninety days from the day notice has been mailed to such person under section 17 that the Treasurer has confirmed the assessment or re-assessed it.

(2) An appeal to the Supreme Court shall be instituted ^{Appeals, how instituted} by serving on the Treasurer a notice of appeal in duplicate in the prescribed form and by filing a copy thereof with the Registrar of the Supreme Court or the local registrar of the Supreme Court for the county or district in which the person appealing resides or has his place of business.

(3) A notice of appeal shall be served on the Treasurer by ^{Service} being sent by registered mail addressed to the Comptroller.

(4) The person appealing shall set out in the notice of ^{Statement of allegations} appeal a statement of the allegations of fact and the statutory provisions and reasons that he intends to submit in supporting his appeal.

(5) An appeal under this section and all proceedings there- ^{Security for costs} under are, upon the expiration of sixty days from the day the appeal is instituted, null and void unless security for the costs of the appeal has been, within the same period, paid into court in such sum, not exceeding \$400, as the Treasurer requires and, upon an appeal becoming null and void by virtue of this subsection, no other appeal or proceeding shall be instituted in respect of the same decision.

(6) When security has been given under subsection 5, ^{Idem} notice thereof shall be served on the Treasurer specifying the fact and the purpose of the payment.

19.—(1) The Treasurer shall with all due despatch serve ^{Reply to notice of appeal} on the person appealing and file in the court a reply to the notice of appeal admitting or denying the facts alleged and containing a statement of such further allegations of fact and of such statutory provisions and reasons as he intends to rely on.

Amendment
of notice
of appeal

(2) The court or a judge may in its or his discretion strike out a notice of appeal or any part thereof for failure to comply with subsection 4 of section 18 and may permit an amendment to be made to a notice of appeal or a new notice of appeal to be substituted for the one struck out.

Amendment
to reply

(3) The court or a judge may in its or his discretion,

(a) strike out any part of a reply for failure to comply with subsection 1 or permit the amendment of a reply; or

(b) strike out a reply for failure to comply with this section and order a new reply to be filed within a time to be fixed by the order.

Failure to
comply

(4) Where a notice of appeal is struck out for failure to comply with subsection 4 of section 18 and a new notice of appeal is not filed as and when permitted by the court or a judge, the court or a judge may, in its or his discretion, dispose of the appeal by dismissing it.

Idem

(5) Where a reply is not filed as required by this section or is struck out under this section and a new reply is not filed as ordered by the court or a judge within the time ordered, the court may dispose of the appeal *ex parte* or after a hearing on the basis that the allegations of fact contained in the notice of appeal are true.

Matter
deemed
action

20.—(1) Upon the filing of the material referred to in section 18 with the Registrar of the Supreme Court or the local registrar of the Supreme Court for the county or district in which the person appealing resides or has his place of business, the matter shall be deemed to be an action in the court and, unless the court otherwise orders, ready for hearing.

Facts not
set out
may be
pleaded

(2) Any fact or statutory provision not set out in the notice of appeal or reply may be pleaded or referred to in such manner and upon such terms as the court directs.

Disposal
of appeal

(3) The court may dispose of the appeal by,

(a) dismissing it;

(b) allowing it; or

(c) allowing it, and

(i) vacating the assessment,

- (ii) varying the assessment,
- (iii) restoring the assessment, or
- (iv) referring the assessment back to the Treasurer for reconsideration and re-assessment.

(4) The court may, in delivering judgment disposing of an appeal, order payment or refund of tax by the appellant or the Treasurer, as the case may be, and may make such order as to costs as is deemed proper. Court may order payment of tax, etc.

21. Proceedings pursuant to sections 18, 19, 20 and 22 shall be held *in camera* on request made to the court by the person appealing or by the Treasurer. Proceedings *in camera*

22. The practice and procedure of the Supreme Court, including the right of appeal and the practice and procedure relating to appeals, apply to every matter deemed to be an action under section 18, and every judgment and order given or made in every such action may be enforced in the same manner and by the like process as a judgment or order given or made in an action commenced in the court. Supreme Court practice to govern

23. An assessment shall not be vacated or varied on appeal by reason only of any irregularity, informality, omission or error on the part of any person in the observation of any directory provision of this Act. Irregularities

24.—(1) Any person thereunto authorized by the Treasurer for any purpose related to the administration or enforcement of this Act may at all reasonable times enter into any premises or place where any business is carried on or any property is kept or anything is done in connection with any business or any books or records are or should be kept pursuant to this Act, and, Investigations

- (a) audit or examine the books and records and any account, voucher, letter, telegram or other document that relates or may relate to the information that is or should be in the books or records or the amount of tax collectable or payable under this Act;
- (b) examine the property described by an inventory or any property, process or matter, an examination of which may, in his opinion, assist him in determining the accuracy of an inventory or in ascertaining the information that is or should be in the books or records or the amount of any tax collectable or payable under this Act;

- (c) require a vendor or purchaser liable to collect or pay or considered possibly liable to collect or pay tax under this Act or, if such vendor or purchaser is a partnership or corporation, require a partner or the president, manager, secretary or any director, agent or representative thereof and any other person on the premises of such vendor or purchaser to give him all reasonable assistance with his audit or examination and to answer all questions relating to the audit or examination, either orally or, if he so requires, in writing, on oath or by statutory declaration, and for that purpose require such person to attend at the premises or place with him; and
- (d) if during the course of an audit or examination it appears to him that there has been a contravention of this Act or the regulations, seize and take away any of the records, books, accounts, vouchers, letters, telegrams and other documents and retain them until they are produced in any court proceedings.

Idem

(2) The Comptroller may, for any purpose related to the administration or enforcement of this Act, by registered letter or by a demand served personally, require from any vendor or purchaser or, if any such vendor or purchaser is a partnership or corporation, from a partner or the president, manager, secretary or any director, agent or representative thereof,

- (a) any information or additional information or a return as required under section 10 or a supplementary return; or
- (b) production, or production on oath, of any books, letters, accounts, invoices, statements, financial or otherwise, or other documents,

within such reasonable time as is stipulated therein.

Idem

(3) The Comptroller may, for any purpose related to the administration or enforcement of this Act, by registered letter or by a demand served personally, require from any person, partnership, syndicate, trust or corporation holding or payable or liable to pay any amount to a vendor or purchaser, or from any partner, agent, or official of any such person, partnership, syndicate, trust or corporation, production, or production on oath, of any books, letters, accounts, invoices, statements, financial or otherwise, or other documents, within such reasonable time as is stipulated therein.

(4) The Comptroller may, for any purpose related to the ^{Idem} administration or enforcement of this Act, with the approval of a judge of the Supreme Court, which approval the judge is hereby empowered to give upon *ex parte* application, authorize in writing any officer of the Office of the Comptroller of Revenue, together with such members of the Ontario Provincial Police Force or other peace officers as he calls upon to assist him and such other persons as are named therein, to enter and search, if necessary by force, any building, receptacle or place for documents, books, records, papers or things that may afford evidence as to the contravention of any provision of this Act or the regulations and to seize and to take away any such documents, books, records, papers or things and retain them until they are produced in any court proceedings.

(5) The Comptroller may, by registered letter or by a demand served personally, require the production, under oath ^{Production of evidence to prove tax payable by another person} or otherwise, by any person, partnership, syndicate, trust or corporation, or by his or its agent or officer, of any letters, accounts, invoices, statements, financial or otherwise, books or other documents in the possession or in the control of such person, partnership, syndicate, trust or corporation or of his or its agent or officer for the purpose of determining what tax, if any, is collectable or payable under this Act by any vendor or purchaser, and production thereof shall be made within such reasonable time as is stipulated in such registered letter or demand.

(6) The Comptroller may, for any purpose related to the ^{Inquiry} administration or enforcement of this Act, authorize any person, whether or not he is an officer of the Office of the Comptroller of Revenue, to make such inquiry as he deems necessary with reference to anything relating to the administration or enforcement of this Act.

(7) Where a book, record or other document has been ^{Copies} seized, examined or produced under this section, the person by whom it is seized or examined or to whom it is produced, or any officer of the Office of the Comptroller of Revenue, may make, or cause to be made, one or more copies thereof, and a document purporting to be certified by the Comptroller or a person thereunto authorized by the Comptroller to be a copy made pursuant to this section is admissible in evidence and has the same probative force as the original document would have had if it had been proved in the ordinary way.

(8) No person shall hinder or molest or interfere with any ^{Compliance} person doing anything that he is authorized by this section to do or prevent or attempt to prevent any person doing any such thing.

Idem

(9) Notwithstanding any other law to the contrary, every person shall, unless he is unable to do so, do everything he is required by this section to do.

Administra-
tion of
oaths

(10) Declarations or affidavits in connection with returns delivered under this Act or statements of information submitted pursuant to this section may be taken before any person having authority to administer an oath or before any person specially authorized for that purpose by the Lieutenant Governor in Council, but any person so specially authorized shall not charge any fee therefor.

Powers of
inquiry

(11) For the purpose of an inquiry under subsection 6, the person authorized to make the inquiry has all the powers and authority that may be conferred upon a commissioner appointed under *The Public Inquiries Act*.

R.S.O. 1960,
c. 323Penalty for
default in
filing
returns

25.—(1) Every vendor who fails to deliver a return as and when required shall pay a penalty of,

(a) an amount equal to 5 per cent of the tax that was collectable by him for the period covered by the return, if the amount of such tax was less than \$10,000; and

(b) \$500, if the amount of such tax was \$10,000 or more.

Failure to
complete
return

(2) Every vendor who fails to complete the information required on the return to be delivered under section 10 is liable to a penalty of 1 per cent of the tax collectable by him for the period covered by the return, but such penalty shall not in any case be less than \$20 or more than \$100.

False
statements

(3) Every person who has,

(a) made, or participated in, assented to or acquiesced in the making of, false or deceptive statements in a return, certificate, statement or answer, delivered or made as required by or under this Act or the regulations;

(b) to evade payment of a tax imposed by this Act, destroyed, altered, mutilated, secreted or otherwise disposed of the records or books of account of the vendor or purchaser;

- (c) made, or assented to or acquiesced in the making of, false or deceptive entries or omitted, or assented to or acquiesced in the omission, to enter a material particular in records or books of account of a vendor or purchaser;
- (d) wilfully, in any manner, evaded or attempted to evade compliance with this Act or payment of taxes imposed by this Act; or
- (e) conspired with any person to commit any offence described in clauses *a* to *d*,

is guilty of an offence and, in addition to any penalty otherwise provided by this Act, is liable on summary conviction to a fine of not less than \$25 and not more than \$10,000 plus, in an appropriate case, an amount of not more than double the amount of the tax that should have been declared to be collectable or payable or that was sought to be evaded, or to imprisonment for a term of not more than two years, or to both.

26. The Comptroller may enlarge the time for making Extended time for making returns any return before or after the time for making it.

27.—(1) Any amount payable or to be remitted to the Interest Treasurer under this Act bears interest at the rate of 6 per cent per annum from the day on which such amount should have been paid or remitted to the Treasurer to the day of payment or until thirty days following the day on which a notice of assessment is mailed under subsection 4 or 6 of section 13, whichever is the earlier date.

(2) The amount due as shown by a notice of assessment Idem made under subsection 4 or 6 of section 13 shall, if it is not paid within thirty days from the day of mailing of the notice of assessment, bear interest at the rate of 9 per cent per annum calculated from thirty days after the day of mailing of the notice of assessment until the day of payment.

28.—(1) When the Comptroller has knowledge or suspects Garnishment that a person is or is about to become indebted or liable to make any payment to a person liable to make a payment or remittance under this Act, he may, by registered letter or by a letter served personally, require the first-named person to pay the moneys otherwise payable to the second-named person in whole or in part to the Treasurer on account of the liability under this Act.

(2) The receipt of the Treasurer for moneys paid as re- Idem quired under this section is a good and sufficient discharge of the original liability to the extent of the payment.

Liability
of debtor

(3) Every person who has discharged any liability to a person liable to make a payment or remittance under this Act without complying with the requirement under this section is liable to pay Her Majesty in right of Ontario an amount equal to the liability discharged or the amount that he was required under this section to pay to the Treasurer, whichever is the lesser.

Service of
garnishee

(4) Where a person who is or is about to become indebted or liable to make a payment to a person liable to make a payment or remittance under this Act carries on business under a name or style other than his own name, the registered or other letter under subsection 1 may be addressed to the name or style under which he carries on business and, in the case of personal service, shall be deemed to have been validly served if it has been left with an adult person employed at the place of business of the addressee.

Idem

(5) Where the persons who are or are about to become indebted or liable to make a payment to a person liable to make a payment or remittance under this Act carry on business in partnership, the registered or other letter under subsection 1 may be addressed to the partnership name and, in the case of personal service, shall be deemed to have been validly served if it has been served on one of the partners or left with an adult person employed at the place of business of the partnership.

Recovery of
tax

29.—(1) Upon default of payment by a vendor or purchaser of any tax collectable or payable under this Act,

(a) the Treasurer may bring an action for the recovery thereof in any court in which a debt or money demand of a similar amount may be collected, and every such action shall be brought and executed in and by the name of the Treasurer or his name of office and may be continued by his successor in office as if no change had occurred and shall be tried without a jury;

(b) the Treasurer may issue a warrant directed to the sheriff of any county or district in which any property of a person liable to make a payment or remittance under this Act is located or situate for the amount of the tax owing by him, together with interest thereon from the date of the issue of the warrant and the costs, expenses and poundage of the sheriff, and such warrant has the same force and effect as a writ of execution issued out of the Supreme Court.

(2) For the purpose of any proceeding taken under this Act, the facts necessary to establish compliance on the part of the Treasurer or the Comptroller with this Act as well as the failure of any person, partnership, syndicate, trust or corporation to comply with the requirements of this Act shall, unless evidence to the contrary satisfactory to the court is adduced, be sufficiently proved in any court of law by affidavit of the Treasurer or of any officer of the Office of the Comptroller of Revenue.

30. The use of any of the remedies provided by sections 28 and 29 does not bar or affect any of the other remedies therein provided, and the remedies provided by this Act for the recovery and enforcement of the payment of any tax imposed by this Act are in addition to any other remedies existing by law, and no action or other proceeding taken in any way prejudices, limits or affects any lien, charge or priority existing under this Act or otherwise.

31.—(1) The Comptroller may require any vendor to deposit with the Treasurer a bond by way of cash or other security satisfactory to the Treasurer in an amount to be determined by the Comptroller but not greater than an amount equal to six times the amount of the estimated tax that would normally be collected by the vendor each month under this Act.

(2) Where a vendor who has deposited a bond with the Treasurer under subsection 1 has failed to collect or remit tax in accordance with this Act, the Comptroller may, by giving written notice to the vendor by registered mail or personal service, apply the bond in whole or in part to the amount that should have been collected, remitted or paid by the vendor as the amount due to Her Majesty in right of Ontario as of the date of the notice.

32. No vendor shall advertise or hold out or state to the public or to any purchaser, directly or indirectly, that the tax or any part thereof imposed by this Act will be assumed or absorbed by him or that it will not be considered as an element in the price to the purchaser, or, if added, that it or any part thereof will be refunded.

33.—(1) Every vendor who has failed to deliver a return as and when required by this Act or the regulations is guilty of an offence and on summary conviction is liable to a fine of not less than \$25 for each day during which the default continues.

(2) Every person who contravenes section 10, 11 or 24 is guilty of an offence and on summary conviction is liable to a fine of \$25 for each day during which the default continues.

Officers,
etc., of
corporations

34. Where a corporation is guilty of an offence under this Act, any officer, director or agent of the corporation who directed, authorized, assented to, acquiesced in, or participated in, the commission of the offence is a party to and guilty of the offence and on summary conviction is liable to the punishment provided for the offence whether or not the corporation has been prosecuted or convicted.

General
penalty

35.—(1) Subject to subsection 2, a person guilty of an offence against this Act is liable on summary conviction to a fine of not less than \$10 and not more than \$1,000.

Penalty for
failure to
collect tax

(2) Every person who fails to collect the tax imposed by this Act is liable on summary conviction to a fine equal to the amount of the tax that should have been collected as determined under subsection 3 and, in addition, an amount not less than \$10 and not more than \$1,000.

Idem

(3) The Comptroller shall determine the amount of the tax referred to in subsection 2 from such information as is available to him and shall issue a certificate as to the amount, but, except where he deems there has been deliberate evasion of this Act, the Comptroller shall not consider a period of more than three years in determining the amount of the tax referred to.

Idem

(4) In any prosecution under subsection 2, a certificate signed or purported to be signed by the Comptroller stating the amount of tax that should have been collected is *prima facie* evidence of the amount of tax that should have been collected and of the authority of the person giving or making the certificate without any proof of appointment or signature.

Idem

(5) Any information in respect of an offence under this Act may be for one or more than one offence, and no information, warrant, conviction or other proceeding in a prosecution under this Act is objectionable or insufficient by reason of the fact that it relates to two or more offences.

Idem

(6) Neither the application of any provision of this section nor the enforcement of any penalty hereunder suspends or affects any remedy for the recovery of any tax payable under this Act.

Disposition
of fines

(7) Fines imposed under this Act shall be paid to the Treasurer on behalf of Her Majesty in right of Ontario.

Onus of
proof

36. In any prosecution for failure to pay the tax or collect or remit the tax, the onus of proving that the tax was paid, collected or remitted, as the case may be, to the Comptroller is upon the accused.

37. An information in respect of an offence against this ^{Limitation} Act shall be laid within six years of the time when the matter of the information arose.

38.—(1) In a prosecution against a vendor under this ^{Evidence in} Act, the application form he filed for a permit under section 3 ^{prosecutions} is *prima facie* evidence that the person charged is a vendor under this Act and a return filed by him is *prima facie* evidence that he collected tax under this Act.

(2) Where a vendor is described as a partnership on an ^{Idem} application form for a permit under section 3, the application form is *prima facie* evidence that the persons named therein are members of such partnership and a return form filed by the partnership is *prima facie* evidence that the partnership collected tax.

39.—(1) For the purpose of carrying into effect the pro- ^{Regulations} visions of this Act according to their true intent and of supplying any deficiency therein, the Lieutenant Governor in Council may make such regulations as are considered necessary and advisable.

(2) Without limiting the generality of subsection 1, the ^{Idem} Lieutenant Governor in Council may make regulations,

- (a) prescribing the forms and records to be used for the purpose of this Act or the regulations;
- (b) prescribing the method of collection and remittance of the tax and any condition or requirement affecting such collection or remittance;
- (c) authorizing a designated officer or class of officers to exercise any of the powers or perform any of the duties of the Comptroller under this Act;
- (d) defining any expression used in this Act or the regulations;
- (e) providing for the rebate of the tax in whole or in part to,
 - (i) the governing body of any religious, charitable or benevolent organization in respect of tangible personal property entering into capital investment by such organization,
 - (ii) the governing body of any hospital, nurses' home, school or university in respect of

tangible personal property purchased by such governing body that enters directly into and becomes part of the construction of a hospital, nurses' home, school or university building,

- (iii) a municipal corporation, or a local board thereof, in respect of tangible personal property that enters directly into and becomes part of the construction of capital works,

and prescribing the terms and conditions under which such rebates may be made;

- (f) providing for relaxing the strictness of this Act relative to the incidence or collection of tax hereunder in special circumstances where, without relaxation, inconvenience or hardship might result, including cases involving the purchase of tangible personal property at bazaars and rummage sales.

Commence-
ment

40.—(1) Every vendor who is in business on the 1st day of May, 1961, shall apply for a permit under subsection 4 of section 3 before the 15th day of July, 1961.

Idem

(2) Subject to subsection 1, section 3 comes into force on the 1st day of August, 1961.

Idem

(3) Subject to subsections 1 and 2, this Act comes into force on the 1st day of September, 1961.

Short title

41. This Act may be cited as *The Retail Sales Tax Act, 1960-61*.

1st Reading

March 9th, 1961

2nd Reading

March 16th, 1961

3rd Reading

MR. ALLAN (Haldimand-Norfolk)

*(Reprinted as amended by the Committee
of the Whole House)*

BILL 107

**2ND SESSION, 26TH LEGISLATURE, ONTARIO
9-10 ELIZABETH II, 1960-61**

An Act to impose a Tax on Retail Sales

MR. ALLAN (Haldimand-Norfolk)

TORONTO

PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

BILL 107

1960-61

An Act to impose a Tax on Retail Sales

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

1. "collector" means a person who collects taxes under this Act;

2. "Comptroller" means the Comptroller of Revenue;

3. "consumer" or "user" means a person who,

(a) utilizes or intends to utilize in Ontario tangible personal property for his own consumption or for the consumption of any other person at his expense, or

(b) utilizes or intends to utilize in Ontario tangible personal property on behalf of or as the agent for a principal who desired or desires to so utilize such property for consumption by the principal or by any person at the expense of the principal;

4. "consumption" includes the use, and the incorporation into any structure, building or fixture, of tangible personal property including that manufactured by the consumer or further processed or otherwise improved by him;

5. "fair value" includes,

(a) the price for which the tangible personal property was purchased, including the value in terms of Canadian money of services rendered and things exchanged and other considerations

accepted by the vendor or person from whom the property passed as the price or on account of the price of the property purchased,

(b) the cost of or charges for customs, excise and transportation, whether or not such are shown separately in the books of the vendor or on an invoice, and

(c) the cost of installation where the contract under which the property is acquired provides for the acquisition of the property and its installation for one consideration;

6. "food products" does not include spirituous, malt or vinous liquors, medicines, tonics and preparations in liquid, powdered, granular, tablet, capsule, lozenge or pill form sold as dietary supplements or adjuncts;

R.S.O. 1960,
cc. 191 98

7. "person", in addition to its meaning in *The Interpretation Act*, includes Her Majesty in right of Ontario, a municipal corporation, or a local board thereof, as defined in *The Department of Municipal Affairs Act*, and any board, commission or authority established under any Act of the Legislature;

8. "purchaser" means a consumer who acquires tangible personal property at a sale in Ontario for his own consumption or use, or for the consumption or use of other persons at his expense, on behalf of, or as agent for, a principal who desires to acquire such property for consumption or use by such principal or other persons at his expense;

9. "regulations" means the regulations made under this Act;

10. "retail sale" means a sale to a purchaser for the purpose of consumption or use and not for resale;

11. "sale" means,

(a) any transfer of title or possession, exchange, barter, lease or rental, conditional or otherwise, including a sale on credit or where the price is payable by instalments, or any other contract whereby at a price or other consideration a person delivers to another person tangible personal property,

- (b) the production, fabrication, processing, printing or imprinting of tangible personal property for a consideration for consumers who furnish either directly or indirectly the materials used in the production, fabrication, processing, printing or imprinting,
 - (c) the furnishing and distribution of tangible personal property for a consideration by social clubs or fraternal organizations to their members or others,
 - (d) the furnishing, preparation or service for a consideration of food, meals or drinks,
 - (e) a transaction whereby the possession of tangible personal property is transferred but the vendor retains the title as security for payment of the price,
 - (f) a transfer for a consideration of the title to or possession of tangible personal property that has been produced, fabricated, printed or imprinted to the order of the purchaser;
12. "storage" includes any keeping or retention in Ontario for any purpose except retail sale or subsequent use outside Ontario of tangible personal property purchased from a vendor, but does not include the keeping, retaining or exercising of any right or power over tangible personal property shipped or brought into Ontario for the purpose of transporting it subsequently outside Ontario or for the purpose of being processed, fabricated or manufactured into, attached to or incorporated into other tangible personal property to be transported outside Ontario and thereafter used solely outside Ontario;
 13. "tangible personal property" means personal property that can be seen, weighed, measured, felt or touched, or that is in any other way perceptible to the senses, and includes electricity, natural or manufactured gas and telephone services;
 14. "tax" includes all penalties and interest that are or may be added to a tax under this Act;
 15. "transfer of possession", "lease" or "rental" includes only transactions held by the Comptroller to be in lieu of a transfer of title, exchange or barter;

16. "Treasurer" means the Treasurer of Ontario;
17. "use" includes storage and the exercise of any right or power over tangible personal property incidental to the ownership of that property, but it does not include the sale of that property at a retail sale or the keeping, retaining or exercising of any right or power over tangible personal property shipped or brought into Ontario for the purpose of transporting it subsequently outside Ontario for use thereafter solely outside Ontario or for the purpose of being processed, fabricated or manufactured into, attached to or incorporated into other tangible personal property to be transported outside Ontario and thereafter used solely outside Ontario;
18. "vendor" means a person who, in the ordinary course of his business in Ontario, sells tangible personal property to a purchaser in Ontario.

Tax on
purchaser

2.—(1) Every purchaser of tangible personal property shall pay to Her Majesty in right of Ontario a tax in respect of the consumption or use thereof computed at the rate of 3 per cent of the fair value thereof.

Fair value

(2) If the tangible personal property to be consumed or used is purchased at a retail sale in Ontario, the purchaser shall pay such tax computed on the fair value thereof at the time of the sale.

Idem

(3) If the tangible personal property is not purchased at a retail sale in Ontario, the consumer shall pay such tax computed on the fair value thereof in the manner following:

1. If the property is primarily intended for consumption by use only, at the time it is brought into Ontario.
2. If the property is primarily intended for consumption otherwise than by use only, at the time of consumption.

Determina-
tion of
fair value

(4) Where the Comptroller deems it necessary or advisable, he may determine the fair value of any such property for the purposes of taxation under this Act, and thereupon the fair value of such property for such purpose shall be as so determined by him.

Payment of
tax on
delayed
delivery

(5) Every purchaser who, after the coming into force of this Act, takes delivery of any tangible personal property purchased by him prior to the coming into force of this Act

shall pay to Her Majesty in right of Ontario a tax at the rate of 3 per cent of the purchase price of such tangible personal property.

(6) If a person sells any tangible personal property at a retail sale in Ontario to a person who alleges that he is not purchasing it for consumption or use, he shall nevertheless require such person to pay the tax, but such payment shall be refunded by the Treasurer on receipt of satisfactory evidence that the tax was wrongfully paid. Refund of tax

(7) Every person residing or ordinarily resident or carrying on business in Ontario, who brings into Ontario or who receives delivery in Ontario of tangible personal property acquired by him for value for his own consumption or use, or for the consumption or use of other persons at his expense, or on behalf of, or as agent for, a principal who desires to acquire such property for the consumption or use by such principal or other persons at his expense, shall immediately report the matter in writing to the Comptroller and shall supply him with the invoice and all other pertinent information required by him in respect of the consumption or use of such property. Tangible personal property brought into or received in Ontario

(8) The tax imposed by this Act shall be calculated separately on every purchase and shall be computed to the nearest cent, and every fraction of less than one-half cent shall not be counted and every fraction of one-half cent or more shall be counted as one cent, but, where on the same occasion or as part of one transaction several items of tangible personal property are purchased, the total of the purchase shall be deemed to be one purchase for the purposes of this Act. Calculation of tax

(9) Where tangible personal property is accepted at the time of sale by the vendor on account of the price of other tangible personal property sold, the purchaser shall pay a tax at the rate provided in subsection 1 calculated on the difference between the fair value of the property sold and the credit allowed for the tangible personal property accepted on account of the purchase price in trade. Tax on merchandise tendered in trade

3.—(1) No vendor shall sell any tangible personal property in Ontario unless he has been granted upon his application a permit for each place in Ontario where he transacts business and such permit is in force at the time of the sale. Vendor permits

(2) Each such permit shall be issued by the Comptroller and shall be kept and conspicuously displayed at the place of business of the vendor for which the permit is issued and it is not transferable. Permit

Cancellation
or suspension
of permit

(3) The Comptroller may,

- (a) refuse to issue a permit to any vendor; or
- (b) suspend or cancel the permit of any vendor if such vendor or any of his employees contravenes any of the provisions of this Act,

but, before a refusal, suspension or cancellation is made, the vendor shall be afforded an opportunity to appear before the Treasurer to show cause why the issuance of a permit should not be refused or why the permit should not be suspended or cancelled, as the case may be.

Information

(4) Every application for a permit shall be made in the form prescribed by the Comptroller and shall set forth the name under which the applicant transacts or intends to transact business, the location of his place or places of business, and such other information as is required, and the application shall be signed,

- (a) by the vendor, if a natural person;
- (b) in the case of an association or partnership, by a member or partner;
- (c) in the case of a corporation, by an executive officer or some person specifically authorized by the corporation to sign the application to which shall be attached the written evidence of his authority.

Display of
permit

(5) A permit issued under subsection 2 is valid only for the person in whose name it is issued and for the transaction of business at the place designated therein.

Term of
permit

(6) A permit remains in force so long as the place of business for which it is issued remains the place of business of the vendor or until suspended or cancelled, as the case may be.

Offence

(7) Every vendor who fails to comply with any provision of this section is guilty of an offence against this Act.

Sales in
bulk

R.S.O. 1960,
c. 43

4.—(1) No person shall dispose of his stock through a sale in bulk as defined in *The Bulk Sales Act* without first obtaining a certificate in duplicate from the Comptroller that all taxes collected by such person have been paid.

Idem

(2) Every person purchasing stock through a sale in bulk as defined in *The Bulk Sales Act* shall obtain from the person selling such stock the duplicate copy of the certificate fur-

nished under subsection 1, and, if he fails to do so, he is responsible for payment to the Comptroller of all taxes collected by the person thus disposing of his stock through a sale in bulk.

5. The following classes of tangible personal property are Exemptions exempt from the tax imposed by this Act:

1. food products for human consumption off the premises where sold, except candies and other confections and soft drinks;
2. prepared meals consumed on the premises where sold at a price of \$1.50 or less;
3. gasoline taxed under *The Gasoline Tax Act*; R.S.O. 1960,
c. 162
4. gasoline used by farmers or commercial fishermen on which refunds of tax are entitled to be granted or have been granted under *The Gasoline Tax Act*;
5. fuel taxed under *The Motor Vehicle Fuel Tax Act*; R.S.O. 1960,
c. 248
6. fuel oil not taxed under *The Motor Vehicle Fuel Tax Act*;
7. coal;
8. coke;
9. wood;
10. natural gas and manufactured gas;
11. electricity for all purposes;
12. farm implements and repair parts, except electric storage batteries and tires when purchased separately;
13. farm machinery and repair parts, except electric storage batteries and tires when purchased separately;
14. oil-bearing seeds and seeds that will produce forage, cereal, fruit, root, vegetable and tobacco crops;
15. fertilizers, lime, insecticides, fungicides, herbicides, rodenticides and combinations thereof;
16. fodder grain, mill and other agricultural feeds, as defined by the Treasurer;
17. binder twine, baler twine, baler wire and barbed wire;
18. farm, hog and poultry fence, as defined by the Treasurer;

19. agricultural products, including live stock;
20. materials and equipment required for irrigation purposes and drainage tile for which the purchaser has a certificate, issued by an officer of the Department of Agriculture designated by the Minister of Agriculture for that purpose, certifying that such material, equipment or tile is required by the purchaser for agricultural purposes;
21. fruit trees;
22. shrubs;
23. plants;
24. aircraft, normally engaged as common carriers in foreign or interprovincial trade, and repairs thereto;
25. road-cleaning and fire-fighting vehicles, as defined by the Treasurer, purchased at a price of more than \$1,000 per vehicle;
26. natural water, including ice and steam;
27. clay, sand, gravel and unfinished stone;
28. boats, fishing-nets and other fishing apparatus utilized in catching fish for human consumption, purchased by a *bona fide* commercial fisherman for use solely in his trade;
29. vessels of more than 500 tons gross;
30. drugs and medicines when sold on the prescription of a physician, dentist or veterinarian;
31. artificial limbs;
32. orthopaedic appliances;
33. equipment designed solely for the use of blind persons, cripples or chronic invalids;
34. hearing aids;
35. dentures;

36. dental appliances when sold on the prescription of a dentist;
37. optical appliances when sold on the prescription of an optometrist or physician;
38. machinery and apparatus and parts thereof, as defined by the Treasurer, that in his opinion are to be used directly in the process of manufacture or production of tangible personal property for sale;
39. materials, as defined by the Treasurer, consumed or expended directly in the process of manufacture or production of tangible personal property for sale;
40. tangible personal property purchased for the purpose of being processed, fabricated or manufactured into, attached to, or incorporated into, tangible personal property for the purpose of sale;
41. tangible personal property to be shipped by the vendor for delivery outside Ontario, including ships' stores delivered to commercial vessels of more than 500 tons gross that normally operate in extra-territorial waters;
42. tangible personal property, purchased at a price of less than 17 cents;
43. railway rolling stock and repairs thereto;
44. children's clothing and children's footwear as the Lieutenant Governor in Council may determine by regulation;
45. school text-books and classroom supplies, as defined by the Treasurer, when purchased by a school board;
46. books that are printed and bound and that are published solely for educational, technical, cultural or literary purposes, but not directories, price lists, time tables, rate books, catalogues, periodic reports, fashion books, albums, magazines, periodicals, books for drawing upon, or any books of the same general classes;
47. newspapers, however purchased;
48. magazines and periodicals when purchased by subscription for delivery by mail;

49. draft beer sold by the keg to the owners of licensed premises for resale by the glass on such premises;

50. draft beer sold by the glass on licensed premises;

R.S.O.
c. 178

51. food, liquor, beer or wine, the charge for which forms part of the price of admission charged a purchaser under *The Hospitals Tax Act* for admission to a place of entertainment under that Act;

52. long distance telephone charges and tolls.

Vendor to
be collector

6.—(1) Every vendor is an agent of the Treasurer and as such shall levy and collect the taxes imposed by this Act upon the purchaser or consumer.

Idem

(2) No person acting under subsection 1 shall thus be made ineligible as a member of the Assembly.

Taxes
collected
at the time
of sale

7. The taxes imposed by this Act, whether the purchase price be stipulated to be payable in cash or on terms or by instalments or otherwise, shall be collected at the time of the sale on the whole amount of the purchase price and be remitted to the Treasurer at the times and in the manner prescribed by the regulations.

Accounting
by vendors

8. All taxes collected by a vendor under this Act shall be remitted to the Treasurer at the time or times and in such manner as are prescribed by the regulations.

Compensa-
tion to
vendors

9.—(1) The Treasurer may enter into such arrangement with each vendor as he deems expedient for the payment of such remuneration for his services in collecting and remitting the tax as the Treasurer deems proper.

Idem

(2) No person accepting remuneration under subsection 1 shall thus be made ineligible as a member of the Assembly.

Returns

10. Every vendor shall make returns to the Comptroller and shall keep such records in the form and substance as are prescribed by the regulations, and any failure so to do constitutes an offence against this Act.

Records of
manufac-
turers, etc.

11. Every manufacturer, wholesaler, importer, jobber, agent and vendor shall keep records of all purchases and sales made by him of tangible personal property whether for consumption or use or for resale, and any failure so to do constitutes an offence against this Act.

12. Returns made and information given under this Act ^{Secrecy} shall be available only to persons authorized by the Treasurer and for the purposes of this Act.

13.—(1) When a vendor having sold tangible personal ^{Assessment of tax collected} property fails to make a return or a remittance as required under this Act or if his returns are not substantiated by his records, the Comptroller may make an assessment of the tax collected by such vendor for which he has not accounted and such assessed amount shall thereupon be deemed to be the tax collected by the vendor.

(2) Where it appears from an inspection, audit or examination of the books of account, records or documents of any vendor or purchaser that this Act or the regulations have not been complied with, the person making the inspection, audit or examination shall calculate the tax collected by the vendor or payable by the purchaser in such manner and form and by such procedure as the Comptroller deems adequate and expedient, and the Comptroller shall assess the amount of the tax collected by the vendor or payable by the purchaser, as the case may be. ^{Assessment on inspection}

(3) The Comptroller may, at any time he considers reasonable, assess or re-assess any tax collectable by a vendor or ^{Assessment from time to time} any tax payable by a purchaser under this Act.

(4) Where the Comptroller has made an assessment under subsection 1, he may send by registered mail or by personal ^{Notice of assessment under subs. 1} service a notice of the assessment to the vendor, requiring that the amount of the assessment made under subsection 1 be remitted to the Treasurer or otherwise accounted for.

(5) Proof that notice under subsection 4 has been mailed ^{Proof} or served constitutes *prima facie* evidence that the amount stated therein is due and owing, and the onus of proving otherwise rests on the vendor.

(6) The Comptroller shall send by registered mail a notice of the assessment made under subsection 2 or 3 to the vendor or purchaser, as the case may be, at his last known address, and, where the vendor or purchaser has more than one address, one of which is in Ontario, such notice shall be sent to his address in Ontario. ^{Notice of assessment under subs. 2 or 3}

(7) Liability for tax imposed by this Act is not affected by an incorrect or incomplete assessment or by the fact that ^{Continuation of liability for tax} no assessment has been made.

(8) The Comptroller is not bound by a return or information ^{Comptroller not bound by returns} delivered by or on behalf of any person under this Act and

may, notwithstanding a return or information so delivered or if no return or information has been delivered, assess the tax payable under this Act.

**Assessment
valid and
binding**

(9) An assessment, subject to being varied or vacated on an objection or appeal and subject to a re-assessment, shall be deemed to be valid and binding notwithstanding any error, defect or omission therein or in any proceeding under this Act relating thereto.

Payment

14.—(1) Every vendor or purchaser shall, within thirty days from the day of mailing of the notice of assessment under subsection 4 or 6 of section 13, pay any part of the assessed tax then remaining unpaid, whether or not an objection to or appeal from the assessment is outstanding.

Idem

(2) Where in the opinion of the Comptroller a vendor or a purchaser is attempting to avoid payment of the tax imposed by this Act or where the Comptroller has assessed the tax payable under this Act pursuant to subsection 1, 2 or 3 of section 13, he may, notwithstanding subsection 4 or 6 of section 13, serve the notice of assessment upon the vendor or the purchaser, as the case may be, and, if the vendor or the purchaser is a partnership or a corporation, the notice of assessment may be served on a partner or the president, manager, secretary or other director, agent or representative thereof, and the Comptroller may direct that all taxes as set out therein shall be paid forthwith.

**Purchaser
liable**

15. The purchaser is liable for the tax imposed by this Act until it has been collected, and, in the event of failure on the part of the vendor to collect the tax, he shall immediately notify the Comptroller, and the purchaser may be sued therefor in any court of competent jurisdiction.

**Liability
for payment
of tax**

16. Every person who collects any tax under this Act shall be deemed to hold it in trust for Her Majesty in right of Ontario and for the payment over of it in the manner and at the time provided under this Act and the regulations, and the amount, until paid, forms a lien and charge on the assets of his estate in the hands of any trustee, having priority over all other claims of any person.

**Notice of
objection**

17.—(1) Where a vendor or a purchaser objects to an assessment made under section 13, he may, within thirty days from the day of mailing of the notice of assessment, serve on the Treasurer a notice of objection in duplicate in the prescribed form setting out the reasons for the objection and all relevant facts.

(2) A notice of objection under this section shall be served ^{Service} by being sent by registered mail addressed to the Comptroller.

(3) Upon receipt of the notice of objection, the Treasurer shall with all due despatch reconsider the assessment and vacate, confirm or vary the assessment or re-assess and he shall thereupon notify the vendor or the purchaser, as the case may be, of his action by registered letter. ^{Reconsideration}

18.—(1) Where a person has served notice of objection ^{Appeal} under section 17, he may appeal to the Supreme Court to have the assessment vacated or varied after the Treasurer has confirmed or re-assessed, but no appeal under this section shall be instituted after the expiration of ninety days from the day notice has been mailed to such person under section 17 that the Treasurer has confirmed the assessment or re-assessed it.

(2) An appeal to the Supreme Court shall be instituted ^{Appeals, how instituted} by serving on the Treasurer a notice of appeal in duplicate in the prescribed form and by filing a copy thereof with the Registrar of the Supreme Court or the local registrar of the Supreme Court for the county or district in which the person appealing resides or has his place of business.

(3) A notice of appeal shall be served on the Treasurer by ^{Service} being sent by registered mail addressed to the Comptroller.

(4) The person appealing shall set out in the notice of appeal a statement of the allegations of fact and the statutory ^{Statement of allegations} provisions and reasons that he intends to submit in supporting his appeal.

(5) An appeal under this section and all proceedings thereunder are, upon the expiration of sixty days from the day the appeal is instituted, null and void unless security for the costs of the appeal has been, within the same period, paid into court in such sum, not exceeding \$400, as the Treasurer requires and, upon an appeal becoming null and void by virtue of this subsection, no other appeal or proceeding shall be instituted in respect of the same decision. ^{Security for costs}

(6) When security has been given under subsection 5, ^{Idem} notice thereof shall be served on the Treasurer specifying the fact and the purpose of the payment.

19.—(1) The Treasurer shall with all due despatch serve ^{Reply to notice of appeal} on the person appealing and file in the court a reply to the notice of appeal admitting or denying the facts alleged and containing a statement of such further allegations of fact and of such statutory provisions and reasons as he intends to rely on.

Amendment
of notice
of appeal

(2) The court or a judge may in its or his discretion strike out a notice of appeal or any part thereof for failure to comply with subsection 4 of section 18 and may permit an amendment to be made to a notice of appeal or a new notice of appeal to be substituted for the one struck out.

Amendment
to reply

(3) The court or a judge may in its or his discretion.

(a) strike out any part of a reply for failure to comply with subsection 1 or permit the amendment of a reply; or

(b) strike out a reply for failure to comply with this section and order a new reply to be filed within a time to be fixed by the order.

Failure to
comply

(4) Where a notice of appeal is struck out for failure to comply with subsection 4 of section 18 and a new notice of appeal is not filed as and when permitted by the court or a judge, the court or a judge may, in its or his discretion, dispose of the appeal by dismissing it.

Idem

(5) Where a reply is not filed as required by this section or is struck out under this section and a new reply is not filed as ordered by the court or a judge within the time ordered, the court may dispose of the appeal *ex parte* or after a hearing on the basis that the allegations of fact contained in the notice of appeal are true.

Matter
deemed
action

20.—(1) Upon the filing of the material referred to in section 18 with the Registrar of the Supreme Court or the local registrar of the Supreme Court for the county or district in which the person appealing resides or has his place of business, the matter shall be deemed to be an action in the court and, unless the court otherwise orders, ready for hearing.

Facts not
set out
may be
pleaded

(2) Any fact or statutory provision not set out in the notice of appeal or reply may be pleaded or referred to in such manner and upon such terms as the court directs.

Disposal
of appeal

(3) The court may dispose of the appeal by,

(a) dismissing it;

(b) allowing it; or

(c) allowing it, and

(i) vacating the assessment,

- (ii) varying the assessment,
- (iii) restoring the assessment, or
- (iv) referring the assessment back to the Treasurer for reconsideration and re-assessment.

(4) The court may, in delivering judgment disposing of an appeal, order payment or refund of tax by the appellant or the Treasurer, as the case may be, and may make such order as to costs as is deemed proper.

21. Proceedings pursuant to sections 18, 19, 20 and 22 shall be held *in camera* on request made to the court by the person appealing or by the Treasurer.

22. The practice and procedure of the Supreme Court, including the right of appeal and the practice and procedure relating to appeals, apply to every matter deemed to be an action under section 18, and every judgment and order given or made in every such action may be enforced in the same manner and by the like process as a judgment or order given or made in an action commenced in the court.

23. An assessment shall not be vacated or varied on appeal by reason only of any irregularity, informality, omission or error on the part of any person in the observation of any directory provision of this Act.

24.—(1) Any person thereunto authorized by the Treasurer for any purpose related to the administration or enforcement of this Act may at all reasonable times enter into any premises or place where any business is carried on or any property is kept or anything is done in connection with any business or any books or records are or should be kept pursuant to this Act, and,

- (a) audit or examine the books and records and any account, voucher, letter, telegram or other document that relates or may relate to the information that is or should be in the books or records or the amount of tax collectable or payable under this Act;
- (b) examine the property described by an inventory or any property, process or matter, an examination of which may, in his opinion, assist him in determining the accuracy of an inventory or in ascertaining the information that is or should be in the books or records or the amount of any tax collectable or payable under this Act;

- (c) require a vendor or purchaser liable to collect or pay or considered possibly liable to collect or pay tax under this Act or, if such vendor or purchaser is a partnership or corporation, require a partner or the president, manager, secretary or any director, agent or representative thereof and any other person on the premises of such vendor or purchaser to give him all reasonable assistance with his audit or examination and to answer all questions relating to the audit or examination, either orally or, if he so requires, in writing, on oath or by statutory declaration, and for that purpose require such person to attend at the premises or place with him; and
- (d) if during the course of an audit or examination it appears to him that there has been a contravention of this Act or the regulations, seize and take away any of the records, books, accounts, vouchers, letters, telegrams and other documents and retain them until they are produced in any court proceedings.

Idem

(2) The Comptroller may, for any purpose related to the administration or enforcement of this Act, by registered letter or by a demand served personally, require from any vendor or purchaser or, if any such vendor or purchaser is a partnership or corporation, from a partner or the president, manager, secretary or any director, agent or representative thereof,

- (a) any information or additional information or a return as required under section 10 or a supplementary return; or
- (b) production, or production on oath, of any books, letters, accounts, invoices, statements, financial or otherwise, or other documents,

within such reasonable time as is stipulated therein.

Idem

(3) The Comptroller may, for any purpose related to the administration or enforcement of this Act, by registered letter or by a demand served personally, require from any person, partnership, syndicate, trust or corporation holding or payable or liable to pay any amount to a vendor or purchaser, or from any partner, agent, or official of any such person, partnership, syndicate, trust or corporation, production, or production on oath, of any books, letters, accounts, invoices, statements, financial or otherwise, or other documents, within such reasonable time as is stipulated therein.

(4) The Comptroller may, for any purpose related to the ^{Idem} administration or enforcement of this Act, with the approval of a judge of the Supreme Court, which approval the judge is hereby empowered to give upon *ex parte* application, authorize in writing any officer of the Office of the Comptroller of Revenue, together with such members of the Ontario Provincial Police Force or other peace officers as he calls upon to assist him and such other persons as are named therein, to enter and search, if necessary by force, any building, receptacle or place for documents, books, records, papers or things that may afford evidence as to the contravention of any provision of this Act or the regulations and to seize and to take away any such documents, books, records, papers or things and retain them until they are produced in any court proceedings.

(5) The Comptroller may, by registered letter or by a demand served personally, require the production, under oath or otherwise, by any person, partnership, syndicate, trust or corporation, or by his or its agent or officer, of any letters, accounts, invoices, statements, financial or otherwise, books or other documents in the possession or in the control of such person, partnership, syndicate, trust or corporation or of his or its agent or officer for the purpose of determining what tax, if any, is collectable or payable under this Act by any vendor or purchaser, and production thereof shall be made within such reasonable time as is stipulated in such registered letter or demand. ^{Production of evidence to prove tax payable by another person}

(6) The Comptroller may, for any purpose related to the ^{Inquiry} administration or enforcement of this Act, authorize any person, whether or not he is an officer of the Office of the Comptroller of Revenue, to make such inquiry as he deems necessary with reference to anything relating to the administration or enforcement of this Act.

(7) Where a book, record or other document has been ^{Copies} seized, examined or produced under this section, the person by whom it is seized or examined or to whom it is produced, or any officer of the Office of the Comptroller of Revenue, may make, or cause to be made, one or more copies thereof, and a document purporting to be certified by the Comptroller or a person thereunto authorized by the Comptroller to be a copy made pursuant to this section is admissible in evidence and has the same probative force as the original document would have had if it had been proved in the ordinary way.

(8) No person shall hinder or molest or interfere with any ^{Compliance} person doing anything that he is authorized by this section to do or prevent or attempt to prevent any person doing any such thing.

Idem (9) Notwithstanding any other law to the contrary, every person shall, unless he is unable to do so, do everything he is required by this section to do.

Administra-
tion of
oaths (10) Declarations or affidavits in connection with returns delivered under this Act or statements of information submitted pursuant to this section may be taken before any person having authority to administer an oath or before any person specially authorized for that purpose by the Lieutenant Governor in Council, but any person so specially authorized shall not charge any fee therefor.

Powers of
inquiry (11) For the purpose of an inquiry under subsection 6, the person authorized to make the inquiry has all the powers and authority that may be conferred upon a commissioner appointed under *The Public Inquiries Act*.

R.S.O. 1960,
c. 323

Penalty for
default in
filing
returns **25.—**(1) Every vendor who fails to deliver a return as and when required shall pay a penalty of,

(a) an amount equal to 5 per cent of the tax that was collectable by him for the period covered by the return; if the amount of such tax was less than \$10,000; and

(b) \$500, if the amount of such tax was \$10,000 or more.

Failure to
complete
return (2) Every vendor who fails to complete the information required on the return to be delivered under section 10 is liable to a penalty of 1 per cent of the tax collectable by him for the period covered by the return, but such penalty shall not in any case be less than \$20 or more than \$100.

False
statements (3) Every person who has,

(a) made, or participated in, assented to or acquiesced in the making of, false or deceptive statements in a return, certificate, statement or answer, delivered or made as required by or under this Act or the regulations;

(b) to evade payment of a tax imposed by this Act, destroyed, altered, mutilated, secreted or otherwise disposed of the records or books of account of the vendor or purchaser;

- (c) made, or assented to or acquiesced in the making of, false or deceptive entries or omitted, or assented to or acquiesced in the omission, to enter a material particular in records or books of account of a vendor or purchaser;
- (d) wilfully, in any manner, evaded or attempted to evade compliance with this Act or payment of taxes imposed by this Act; or
- (e) conspired with any person to commit any offence described in clauses *a* to *d*,

is guilty of an offence and, in addition to any penalty otherwise provided by this Act, is liable on summary conviction to a fine of not less than \$25 and not more than \$10,000 plus, in an appropriate case, an amount of not more than double the amount of the tax that should have been declared to be collectable or payable or that was sought to be evaded, or to imprisonment for a term of not more than two years, or to both.

26. The Comptroller may enlarge the time for making any return before or after the time for making it. Extended
time for
making
returns

27.—(1) Any amount payable or to be remitted to the Treasurer under this Act bears interest at the rate of 6 per cent per annum from the day on which such amount should have been paid or remitted to the Treasurer to the day of payment or until thirty days following the day on which a notice of assessment is mailed under subsection 4 or 6 of section 13, whichever is the earlier date. Interest

(2) The amount due as shown by a notice of assessment made under subsection 4 or 6 of section 13 shall, if it is not paid within thirty days from the day of mailing of the notice of assessment, bear interest at the rate of 9 per cent per annum calculated from thirty days after the day of mailing of the notice of assessment until the day of payment. Idem

28.—(1) When the Comptroller has knowledge or suspects that a person is or is about to become indebted or liable to make any payment to a person liable to make a payment or remittance under this Act, he may, by registered letter or by a letter served personally, require the first-named person to pay the moneys otherwise payable to the second-named person in whole or in part to the Treasurer on account of the liability under this Act. Garnish-
ment

(2) The receipt of the Treasurer for moneys paid as required under this section is a good and sufficient discharge of the original liability to the extent of the payment. Idem

Liability
of debtor

(3) Every person who has discharged any liability to a person liable to make a payment or remittance under this Act without complying with the requirement under this section is liable to pay Her Majesty in right of Ontario an amount equal to the liability discharged or the amount that he was required under this section to pay to the Treasurer, whichever is the lesser.

Service of
garnishee

(4) Where a person who is or is about to become indebted or liable to make a payment to a person liable to make a payment or remittance under this Act carries on business under a name or style other than his own name, the registered or other letter under subsection 1 may be addressed to the name or style under which he carries on business and, in the case of personal service, shall be deemed to have been validly served if it has been left with an adult person employed at the place of business of the addressee.

Idem

(5) Where the persons who are or are about to become indebted or liable to make a payment to a person liable to make a payment or remittance under this Act carry on business in partnership, the registered or other letter under subsection 1 may be addressed to the partnership name and, in the case of personal service, shall be deemed to have been validly served if it has been served on one of the partners or left with an adult person employed at the place of business of the partnership.

Recovery of
tax

29.—(1) Upon default of payment by a vendor or purchaser of any tax collectable or payable under this Act,

- (a) the Treasurer may bring an action for the recovery thereof in any court in which a debt or money demand of a similar amount may be collected, and every such action shall be brought and executed in and by the name of the Treasurer or his name of office and may be continued by his successor in office as if no change had occurred and shall be tried without a jury;
- (b) the Treasurer may issue a warrant directed to the sheriff of any county or district in which any property of a person liable to make a payment or remittance under this Act is located or situate for the amount of the tax owing by him, together with interest thereon from the date of the issue of the warrant and the costs, expenses and poundage of the sheriff, and such warrant has the same force and effect as a writ of execution issued out of the Supreme Court.

(2) For the purpose of any proceeding taken under this Act, the facts necessary to establish compliance on the part of the Treasurer or the Comptroller with this Act as well as the failure of any person, partnership, syndicate, trust or corporation to comply with the requirements of this Act shall, unless evidence to the contrary satisfactory to the court is adduced, be sufficiently proved in any court of law by affidavit of the Treasurer or of any officer of the Office of the Comptroller of Revenue.

30. The use of any of the remedies provided by sections 28 and 29 does not bar or affect any of the other remedies therein provided, and the remedies provided by this Act for the recovery and enforcement of the payment of any tax imposed by this Act are in addition to any other remedies existing by law, and no action or other proceeding taken in any way prejudices, limits or affects any lien, charge or priority existing under this Act or otherwise.

31.—(1) The Comptroller may require any vendor to deposit with the Treasurer a bond by way of cash or other security satisfactory to the Treasurer in an amount to be determined by the Comptroller but not greater than an amount equal to six times the amount of the estimated tax that would normally be collected by the vendor each month under this Act.

(2) Where a vendor who has deposited a bond with the Treasurer under subsection 1 has failed to collect or remit tax in accordance with this Act, the Comptroller may, by giving written notice to the vendor by registered mail or personal service, apply the bond in whole or in part to the amount that should have been collected, remitted or paid by the vendor as the amount due to Her Majesty in right of Ontario as of the date of the notice.

32. No vendor shall advertise or hold out or state to the public or to any purchaser, directly or indirectly, that the tax or any part thereof imposed by this Act will be assumed or absorbed by him or that it will not be considered as an element in the price to the purchaser, or, if added, that it or any part thereof will be refunded.

33.—(1) Every vendor who has failed to deliver a return as and when required by this Act or the regulations is guilty of an offence and on summary conviction is liable to a fine of not less than \$25 for each day during which the default continues.

(2) Every person who contravenes section 10, 11 or 24 is guilty of an offence and on summary conviction is liable to a fine of \$25 for each day during which the default continues.

Officers,
etc., of
corporations

34. Where a corporation is guilty of an offence under this Act, any officer, director or agent of the corporation who directed, authorized, assented to, acquiesced in, or participated in, the commission of the offence is a party to and guilty of the offence and on summary conviction is liable to the punishment provided for the offence whether or not the corporation has been prosecuted or convicted.

General
penalty

35.—(1) Subject to subsection 2, a person guilty of an offence against this Act is liable on summary conviction to a fine of not less than \$10 and not more than \$1,000.

Penalty for
failure to
collect tax

(2) Every person who fails to collect the tax imposed by this Act is liable on summary conviction to a fine equal to the amount of the tax that should have been collected as determined under subsection 3 and, in addition, an amount not less than \$10 and not more than \$1,000.

Idem

(3) The Comptroller shall determine the amount of the tax referred to in subsection 2 from such information as is available to him and shall issue a certificate as to the amount, but, except where he deems there has been deliberate evasion of this Act, the Comptroller shall not consider a period of more than three years in determining the amount of the tax referred to.

Idem

(4) In any prosecution under subsection 2, a certificate signed or purported to be signed by the Comptroller stating the amount of tax that should have been collected is *prima facie* evidence of the amount of tax that should have been collected and of the authority of the person giving or making the certificate without any proof of appointment or signature.

Idem

(5) Any information in respect of an offence under this Act may be for one or more than one offence, and no information, warrant, conviction or other proceeding in a prosecution under this Act is objectionable or insufficient by reason of the fact that it relates to two or more offences.

Idem

(6) Neither the application of any provision of this section nor the enforcement of any penalty hereunder suspends or affects any remedy for the recovery of any tax payable under this Act.

Disposition
of fines

(7) Fines imposed under this Act shall be paid to the Treasurer on behalf of Her Majesty in right of Ontario.

Onus of
proof

36. In any prosecution for failure to pay the tax or collect or remit the tax, the onus of proving that the tax was paid, collected or remitted, as the case may be, to the Comptroller is upon the accused.

37. An information in respect of an offence against this Limitation Act shall be laid within six years of the time when the matter of the information arose.

38.—(1) In a prosecution against a vendor under this Evidence in Act, the application form he filed for a permit under section 3 prosecutions is *prima facie* evidence that the person charged is a vendor under this Act and a return filed by him is *prima facie* evidence that he collected tax under this Act.

(2) Where a vendor is described as a partnership on an Idem application form for a permit under section 3, the application form is *prima facie* evidence that the persons named therein are members of such partnership and a return form filed by the partnership is *prima facie* evidence that the partnership collected tax.

39.—(1) For the purpose of carrying into effect the pro- Regulations visions of this Act according to their true intent and of supplying any deficiency therein, the Lieutenant Governor in Council may make such regulations as are considered necessary and advisable.

(2) Without limiting the generality of subsection 1, the Idem Lieutenant Governor in Council may make regulations,

- (a) prescribing the forms and records to be used for the purpose of this Act or the regulations;
- (b) prescribing the method of collection and remittance of the tax and any condition or requirement affecting such collection or remittance;
- (c) authorizing a designated officer or class of officers to exercise any of the powers or perform any of the duties of the Comptroller under this Act;
- (d) defining any expression used in this Act or the regulations;
- (e) providing for the rebate of the tax in whole or in part to,
 - (i) the governing body of any religious, charitable or benevolent organization in respect of tangible personal property entering into capital investment by such organization,
 - (ii) the governing body of any hospital, nurses' home, school or university in respect of

tangible personal property purchased by such governing body that enters directly into and becomes part of the construction of a hospital, nurses' home, school or university building,

- (iii) a municipal corporation, or a local board thereof, in respect of tangible personal property that enters directly into and becomes part of the construction of capital works,

and prescribing the terms and conditions under which such rebates may be made;

- (f) providing for relaxing the strictness of this Act relative to the incidence or collection of tax hereunder in special circumstances where, without relaxation, inconvenience or hardship might result, including cases involving the purchase of tangible personal property at bazaars and rummage sales.

Commence-
ment

40.—(1) Every vendor who is in business on the 1st day of May, 1961, shall apply for a permit under subsection 4 of section 3 before the 15th day of July, 1961.

Idem

(2) Subject to subsection 1, section 3 comes into force on the 1st day of August, 1961.

Idem

(3) Subject to subsections 1 and 2, this Act comes into force on the 1st day of September, 1961.

Short title

41. This Act may be cited as *The Retail Sales Tax Act, 1960-61*.

1st Reading

March 9th, 1961

2nd Reading

March 16th, 1961

3rd Reading

March 29th, 1961

MR. ALLAN (Haldimand-Norfolk)

BILL 108

2ND SESSION, 26TH LEGISLATURE, ONTARIO
9-10 ELIZABETH II, 1960-61

An Act to authorize an Income Tax Agency Agreement

MR. ALLAN (Haldimand-Norfolk)

EXPLANATORY NOTE

The purpose of this Bill is to authorize the Treasurer to negotiate an agreement with the federal authorities for central collection of the tax that will be imposed under *The Income Tax Act, 1960-61* (Ontario) if and when it is proclaimed in force.

BILL 108

1960-61

An Act to authorize an Income Tax Agency Agreement

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) The Treasurer of Ontario, representing Her Majesty the Queen in right of Ontario, is hereby authorized to make an agreement with the Minister of National Revenue, representing Her Majesty the Queen in right of Canada, under which, upon such terms as are agreed upon, the Minister and the Deputy Minister of National Revenue may exercise in the place and stead or on behalf of, or as agent for, the Treasurer and the Comptroller of Revenue for Ontario such of the powers and duties conferred or imposed upon the Treasurer and Comptroller under *The Income Tax Act, 1960-61* (Ontario) as are specified in the agreement. Agency
agreement
authorized

1960-61,
c.....

(2) The Lieutenant Governor in Council may authorize the Treasurer of Ontario to pay any expenses that are incurred in carrying out the terms of the agreement authorized by subsection 1. Expenses

2. This Act comes into force on the day it receives Royal Assent. Commence-
ment

3. This Act may be cited as *The Income Tax Agency Agreement Act, 1960-61*. Short title

An Act to authorize an
Income Tax Agency Agreement

1st Reading

March 9th, 1961

2nd Reading

3rd Reading

MR. ALAN (Haldimand-Norfolk)

BILL 108

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An Act to authorize an Income Tax Agency Agreement

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) The Treasurer of Ontario, representing Her Majesty the Queen in right of Ontario, is hereby authorized to make an agreement with the Minister of National Revenue, representing Her Majesty the Queen in right of Canada, under which, upon such terms as are agreed upon, the Minister and the Deputy Minister of National Revenue may exercise in the place and stead or on behalf of, or as agent for, the Treasurer and the Comptroller of Revenue for Ontario such of the powers and duties conferred or imposed upon the Treasurer and Comptroller under *The Income Tax Act, 1960-61* (Ontario) as are specified in the agreement. Agency agreement authorized
1960-61, c.39

(2) The Lieutenant Governor in Council may authorize the Treasurer of Ontario to pay any expenses that are incurred in carrying out the terms of the agreement authorized by subsection 1. Expenses

2. This Act comes into force on the day it receives Royal Assent. Commence-
ment

3. This Act may be cited as *The Income Tax Agency Agreement Act, 1960-61*. Short title

1st Reading

March 9th, 1961

2nd Reading

March 16th, 1961

3rd Reading

March 29th, 1961

MR. ALAN (Haldimand-Norfolk)



BILL 109

**2ND SESSION, 26TH LEGISLATURE, ONTARIO
9-10 ELIZABETH II, 1960-61**

The Income Tax Act, 1960-61

MR. ALLAN (Haldimand-Norfolk)

EXPLANATORY NOTE

Pursuant to the proposals of the Government of Canada relating to the sharing of the three major direct tax fields for the years 1962 to 1966 inclusive, this Bill introduces a tax on residents of Ontario and persons not resident in Ontario who carry on business here. The tax will be calculated at varying rates and be based on the amount of tax each Ontario taxpayer would otherwise pay under the federal *Income Act Act*. The rates involved will be as follows:

16	per cent of the federal tax on income earned in the year	1962
17	" " " " " "	1963
18	" " " " " "	1964
19	" " " " " "	1965
20	" " " " " "	1966

Under the Tax Sharing Arrangements proposed by the federal government, the rates indicated above will be abated by Canada so that, when Ontario imposes these rates, individuals in Ontario will pay no more tax in total to both Ontario and Canada than the total of the federal tax that would be payable if no abatements were provided.

BILL 109

1960-61

The Income Tax Act, 1960-61

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

PART I

INCOME TAX

DIVISION A—LIABILITY FOR TAX

1.—(1) An income tax shall be paid as hereinafter required upon the tax payable under Part I of the *Income Tax Act* (Canada) for each taxation year by every individual resident in Ontario at any time in the year. Residents R.S.C. 1952, c. 148

(2) Where an individual who is not taxable under sub-section 1 for a taxation year, Non-residents employed or carrying on business in Ontario

(a) was employed in Ontario at any time in the year; or

(b) carried on business in Ontario at any time in the year,

an income tax shall be paid as hereinafter required upon the tax payable under Part I of the *Income Tax Act* (Canada) for each taxation year. R.S.O. 1950, c. 175, s. 1.

2.—(1) The tax payable under this Part for each taxation year designated is the amount resulting from applying the following percentages to the tax payable under section 32 of the *Income Tax Act* (Canada) for the same taxation year: Rate

Taxation year	Rate
1962.....	16 per cent
1963.....	17 " "
1964.....	18 " "
1965.....	19 " "
1966.....	20 " "

Idem (2) The tax payable for each taxation year following the taxation year 1966 is 20 per cent of the tax payable under section 32 of the *Income Tax Act* (Canada) for the same taxation year.

R.S.C. 1952,
c. 148

Idem (3) For the purposes of subsections 1 and 2, the tax payable under section 32 of the *Income Tax Act* (Canada) means the tax otherwise payable under Part I of the *Income Tax Act* (Canada). R.S.O. 1950, c. 175, s. 2, *amended*.

DIVISION B—APPLICATION OF THE INCOME TAX ACT (CANADA)

Application of R.S.C. 1952, c. 148 3. For the purposes of this Act, all the provisions of the *Income Tax Act* (Canada) comprising,

- (a) Part I, except Divisions F, I and J;
- (b) Part VI;
- (c) Part VII; and
- (d) Part VIII,

affecting the tax payable under Part I of that Act by an individual taxable under this Act, as they from time to time apply, apply *mutatus mutandis* under this Act, except that in this Act the Treasurer and Comptroller shall exercise the powers and duties conferred and imposed upon the Minister and the Deputy Minister respectively under the *Income Tax Act* (Canada). R.S.O. 1950, c. 175, s. 3.

DIVISION C—RETURNS, ASSESSMENTS, PAYMENTS AND APPEALS

Returns 4.—(1) A return of the tax payable for each taxation year for which a tax is payable under this Act shall, without notice or demand therefor, be filed with the Comptroller in the prescribed form and containing the prescribed information,

Deceased persons

- (a) in the case of a taxpayer who has died without making the return, by his legal representative, within six months from the day of his death;

Trusts or estates

- (b) in the case of an estate or trust, within ninety days from the end of the year;

Individuals

- (c) in the case of any other taxpayer, on or before the 30th day of April, in the next year, by that individual or, if he is unable for any reason to file the return, by his guardian, curator, tutor, committee or other legal representative; or

- (d) in a case where no person described by clause *a*, *b* ^{Designated persons} or *c* has filed the return, by such person as is required by notice in writing from the Comptroller to file the return, within such reasonable time as the notice specifies.

(2) Whether or not he is liable to pay tax under this Part ^{Demand for returns} for a taxation year and whether or not a return has been filed under subsection 1 or 3, every person shall, on demand by registered letter from the Treasurer, file, within such reasonable time as may be stipulated in the registered letter, with the Comptroller in prescribed form and containing prescribed information a return of his tax for the taxation year designated in the letter.

(3) Every trustee in bankruptcy, assignee, liquidator, ^{Trustees, etc.} curator, receiver, trustee or committee and every agent or other person administering, managing, winding up, controlling or otherwise dealing with the property, business, estate or income of a taxpayer who has not filed a return for a taxation year as required by this section shall file a return in the prescribed form of the tax payable by that taxpayer for that year.

(4) Where a taxpayer who is a partner in or is a proprietor ^{Death of a partner or proprietor} of a business died after the close of a fiscal period but before the end of the calendar year in which the fiscal period closed, a separate return of the tax payable for the period following the close of the fiscal period to the time of death may be filed and, if such a separate return is filed, the tax payable under this Part with respect to the business of the taxpayer after the close of the fiscal period to the date of death shall be paid as if such tax were the tax payable by another taxpayer. R.S.O. 1950, c. 175, s. 4, *amended*.

5. Every taxpayer or person required by section 4 to file ^{Estimate of tax} a return shall in the return estimate the amount of tax payable. R.S.O. 1950, c. 175, s. 5, *amended*.

6.—(1) The Treasurer shall, with all due despatch, examine ^{Rules re assessments} each return and assess the tax for the taxation year and the interest and penalties, if any, payable.

(2) After examination of the return, the Treasurer shall ^{Idem} send a notice of assessment to the taxpayer or person by whom the return was filed.

(3) Liability for tax under this Part is not affected by an ^{Idem} incorrect or incomplete assessment or by the fact that no assessment has been made. R.S.O. 1950, c. 175, s. 6 (1-3).

Idem

(4) The Treasurer may at any time assess tax, interest or penalties under this Part or notify in writing any person by whom a return of tax payable for a taxation year has been filed that no tax is payable for the taxation year, and may,

(a) at any time, if the taxpayer or person filing the return,

(i) has made any misrepresentation or committed any fraud in filing the return or in supplying any information under this Act, or

(ii) has filed with the Treasurer a waiver in prescribed form within four years from the day of mailing of a notice of an original assessment or of a notification that no tax is payable for a taxation year; and

(b) within four years from the day referred to in sub-clause ii of clause a, in any other case,

re-assess or make additional assessments or assess tax, interest or penalties under this Part, as the circumstances require. R.S.O. 1950, c. 175, s. 6 (4), *amended*.

Idem

R.S.C. 1952,
c. 148

(5) Where a taxpayer has filed a return required by section 4 for a taxation year and, within one year from the day on or before which he was required by section 4 to file the return for that year, has filed an amended return for the year claiming a reduction in the tax payable for that year pursuant to a deduction from income under paragraph e of subsection 1 of section 27 of the *Income Tax Act* (Canada) in respect of a business loss sustained in the taxation year immediately following that year, the Treasurer shall re-assess the tax of the taxpayer for the year. *New*.

Idem

(6) The Treasurer is not bound by a return or information supplied by or on behalf of a taxpayer and, in making an assessment, may, notwithstanding a return or information so supplied or if no return has been filed, assess the tax payable under this Part.

Idem

(7) An assessment shall, subject to being varied or vacated on an objection or appeal under this Part and subject to re-assessment, be deemed to be valid and binding notwithstanding any error, defect or omission therein or in any proceeding under this Act relating thereto. R.S.O. 1950, c. 175, s. 6 (5, 6).

7.—(1) Every person paying,

Withholding
tax

- (a) salary or wages or other remuneration to an officer or employee;
- (b) superannuation or pension benefit;
- (c) a retiring allowance;
- (d) an amount upon or after the death of an officer or employee, in recognition of his service, to his legal representative or widow or to any other person whatsoever;
- (e) an amount as a benefit under a supplementary unemployment benefit plan;
- (f) an annuity payment; or
- (g) fees, commissions or other amounts for services,

at any time in a taxation year shall deduct or withhold therefrom such amount as is prescribed and shall, at such time as is prescribed, remit that amount to the Treasurer on account of the tax payable by the payee for the year under this Part. R.S.O. 1950, c. 175, s. 7 (1), *amended*.

(2) Where amounts have been deducted or withheld under this section from the remuneration received by a taxpayer in a taxation year, if the total of such amounts is equal to or greater than three-quarters of the tax payable under this Part for the year, he shall, on or before the 30th day of April in the next year, pay to the Treasurer the remainder of his tax for the year as estimated under section 5. R.S.O. 1950, c. 175, s. 7 (2). Payment of
remainder

(3) Where an amount has been deducted or withheld under subsection 1, it shall, for all the purposes of this Act, be deemed to have been received at that time by the person to whom the remuneration, benefit, payment, fees, commissions or other amounts were paid. Effect of
deduction

(4) Where an amount has been received by a broker or dealer in securities in the period of twelve months immediately preceding a taxation year as or in respect of dividends on shares, the beneficial ownership of which is unknown to him at the end of the taxation year, the broker or dealer shall remit an amount equal to $3\frac{1}{2}$ per cent thereof to the Treasurer at such time as is prescribed on account of the tax payable by the beneficial owner under this Part for the taxation year in which the dividend was received by the broker or dealer. Dividends
received
by brokers

Effect of deduction

(5) Where an amount has been remitted to the Treasurer under subsection 4, it shall for all the purposes of this Act be deemed,

- (a) to have been received by the beneficial owner of the dividends; and
- (b) to have been deducted or withheld from such amount as would otherwise be payable by the broker or dealer to the beneficial owner in respect of the dividends. *New.*

Farmers and fishermen

8. Every taxpayer, whose chief source of income is farming or fishing, shall pay to the Treasurer,

- (a) on or before the 31st day of December in each taxation year, two-thirds of the tax as estimated by him for the year or of the tax payable by him for the immediately preceding year; and
- (b) on or before the 30th day of April in the next year, the remainder of the tax as estimated under section 5. R.S.O. 1950, c. 175, s. 8, *amended.*

Other individuals

9. Every taxpayer, other than one to whom subsection 2 of section 7 or section 8 applies, shall pay to the Treasurer,

- (a) on or before the 31st day of March, the 30th day of June, the 30th day of September and the 31st day of December, respectively, in each taxation year, an amount equal to one-quarter of the tax as estimated by him for the year or of the tax payable by him for the immediately preceding year; and
- (b) on or before the 30th day of April in the next year, the remainder of the tax as estimated under section 5. R.S.O. 1950, c. 175, s. 9.

Payment of remainder

10.—(1) Every taxpayer shall, within thirty days from the day of the mailing of the notice of assessment, pay to the Treasurer the part, if any, of the assessed tax, interest and penalties then remaining unpaid, whether or not an objection to or appeal from the assessment is outstanding.

Idem

(2) Where, in the opinion of the Treasurer, a taxpayer is attempting to avoid payment of taxes, the Treasurer may direct that all taxes, penalties and interest be paid forthwith upon assessment. R.S.O. 1950, c. 175, s. 10, *amended.*

11.—(1) Every person required by section 4 to file a return of the tax payable by any other taxpayer for a taxation year shall, within thirty days of mailing of the notice of assessment, pay all taxes, penalties and interest payable by or in respect of that taxpayer to the extent that he has or had, at any time since the taxation year, in his possession or control property belonging to that taxpayer or his estate and shall thereupon be deemed to have made that payment on behalf of such taxpayer. R.S.O. 1950, c. 175, s. 11 (1). Payment on behalf of others

(2) Every assignee, liquidator, administrator, executor and other like person, other than a trustee in bankruptcy, before distributing any property under his control, shall obtain a certificate from the Treasurer certifying that taxes, interest or penalties that have been assessed under this Act and are chargeable against or payable out of the property have been paid or that security for the payment thereof has, in accordance with subsection 4 of section 24, been accepted by the Treasurer. R.S.O. 1950, c. 175, s. 11 (2), *amended*. Certificate before distribution

(3) Distribution of property without a certificate required by subsection 2 renders the person required to obtain the certificate personally liable for the unpaid taxes, interest and penalties. R.S.O. 1950, c. 175, s. 11 (3). Liability

12.—(1) Where a person has, on or after the 1st day of May, 1951, transferred property, either directly or indirectly, by means of a trust or by any other means whatsoever, Tax with respect to property transferred between husband and wife or to minors

(a) to his spouse or to a person who has since become his spouse; or

(b) to a person who was under nineteen years of age,

the transferee and the transferor are jointly and severally liable to pay a part of the tax of the transferor under this Part for each taxation year equal to the amount by which the tax for the year is greater than it would have been if it were not for the operation of section 21 or 22 of the *Income Tax Act* (Canada), as the case may be, in respect of income from the property so transferred or from property substituted therefor. R.S.C. 1952, c. 148

(2) The Treasurer may at any time assess a transferee in respect of any amount payable by virtue of this section and the provisions of this Division are applicable *mutatis mutandis* in respect of an assessment made under this section as though it had been made under section 6. Treasurer may assess transferee

Rules
applicable

(3) Where a transferor and a transferee have, by virtue of subsection 1, become jointly and severally liable in respect of part or all of a liability of the transferor under this Act, the following rules are applicable:

1. a payment by the transferee on account of his liability shall to the extent thereof discharge the joint liability; but
2. a payment by the transferor on account of his liability only discharges the liability of the transferee to the extent that the payment operates to reduce the liability of the transferor to an amount less than the amount in respect of which the transferee was, by virtue of subsection 1, made jointly and severally liable. *New.*

Interest,
general

13.—(1) Where the amount paid on account of tax payable by a taxpayer under this Part for a taxation year before the expiration of the time allowed for filing the return of the taxpayer is less than the amount of tax payable for the year under this Part, such taxpayer shall pay interest on the difference between those two amounts from the expiration of the time for filing the return to the day of payment at the rate of 6 per cent per annum.

Interest on
instalments

(2) In addition to the interest payable under subsection 1, where a taxpayer, being required by this Part to pay a part or instalment of tax, has failed to pay all or any part thereof as required, he shall, on payment of the amount he failed to pay, pay interest at the rate of 6 per cent per annum from the day on or before which he was required to make the payment to the day of payment or the beginning of the period in respect of which he becomes liable to pay interest thereon under subsection 1, whichever is earlier.

Limitation

(3) For the purposes of subsection 2, where a taxpayer is required to pay a part or instalment of tax for a taxation year as estimated by him for a preceding year or for the taxation year, he shall be deemed to have been liable to pay a part or instalment computed by reference to the tax payable,

(a) for the preceding year; or

(b) for the taxation year,

whichever is the lesser.

Participation
certificates

(4) Notwithstanding any other provision in this section, no interest is payable in respect of the amount by which the

tax payable by a taxpayer is increased by a payment made by the Canadian Wheat Board on a participation certificate previously issued to him until thirty days after the payment is made. R.S.O. 1950, c. 175, s. 12 (1-4).

(5) Where the income of a taxpayer, as calculated under Part I of the *Income Tax Act* (Canada) for a taxation year or part thereof, is from sources in another country and the taxpayer by reason of monetary or exchange restrictions imposed by the law of that country is unable to transfer it to Canada, the Treasurer may, if he is satisfied that payment as required by this Part of the whole of the additional tax under this Part for the year reasonably attributable to income from sources in that country would impose extreme hardship on the taxpayer, postpone the time for payment of the whole or a part of that additional tax for a period to be determined by the Treasurer, but no such postponement may be granted if any of the income for the year as calculated under Part I of the *Income Tax Act* (Canada) from sources in that country has been,

Income of
resident
from foreign
country in
blocked
currency
R.S.C. 1952,
c. 148

(a) transferred to Canada;

(b) used by the taxpayer for any purpose whatsoever, other than payment of income tax to the government of that other country on income from sources therein; or

(c) disposed of by him,

and no interest is payable under this section in respect of that additional tax, or part thereof, during the period of postponement.

(6) Where a taxpayer is entitled to deduct under section 27 of the *Income Tax Act* (Canada) in computing his taxable income under that Act for a taxation year an amount in respect of a loss sustained in the taxation year immediately following the taxation year, hereinafter in this subsection referred to as "the loss year", for the purpose of computing interest under subsection 1 or 2 on tax or a part or an instalment of tax for the taxation year for any portion of the period in respect of which the interest is payable on or before the last day of the loss year, the tax payable for the taxation year shall be deemed to be the amount that it would have been is the taxpayer were not entitled to deduct any amount under section 27 of the *Income Tax Act* (Canada) in respect of that loss. *New.*

Effect of
carry-back
of loss

Penalties,
delay in
making
returns

14.—(1) Every taxpayer who has failed to make a return as and when required by subsection 1 of section 4 is liable to a penalty of,

- (a) an amount equal to 5 per cent of the tax that was unpaid when the return was required to be filed, if the tax payable under this Part that was unpaid at that time was less than \$10,000; and
- (b) \$500, if, at the time the return was required to be filed, tax payable under this Part equal to \$10,000 or more was unpaid.

Idem

(2) Every person who has failed to file a return as required by subsection 3 of section 4 is liable to a penalty of \$10 for each day of default but not exceeding \$50. R.S.O. 1950, c. 175, s. 13 (1, 2).

Failure to
complete
information

(3) Every person who has failed to complete the information on a prescribed form as required by or pursuant to section 4 is liable to a penalty of 1 per cent of the tax payable under this Part or of such lesser amount as the Treasurer may have fixed in respect of the specific failure. R.S.O. 1950, c. 175, s. 13 (3), *amended*.

Evasion
of tax

15.—(1) Every taxpayer who has wilfully, in any manner, evaded or attempted to evade payment of the tax payable by him under this Part for a taxation year or any part thereof is liable to a penalty, to be fixed by the Treasurer, of not less than 25 per cent and not more than 50 per cent of the amount of the tax evaded or sought to be evaded.

Statements
or omissions
in returns

(2) Every person who, knowingly or under circumstances amounting to gross negligence in the carrying out of any duty or obligation imposed by or under this Act, has made, or has participated in, assented to or acquiesced in the making of, a statement or omission in a return, certificate, statement or answer filed or made as required by or under this Act or a regulation, as a result of which the tax that would have been payable by him for a taxation year if the tax had been assessed on the basis of the information provided in the return, certificate, statement or answer is less than the tax payable by him for the year, is liable to a penalty of 25 per cent of the amount by which the tax that would have been so payable is less than the tax payable by him for the year.

Limitation

(3) Where a person is liable to a penalty under subsection 2 in respect of any statement or omission in a return, certificate, statement or answer filed or made as required by or under this Act or a regulation, he is not liable to any penalty under subsection 1 in respect of the same statement or omission. *New.*

16.—(1) If the return of the tax payable by a taxpayer ^{Refunds} for a taxation year has been made within four years of the end of the year, the Treasurer,

(a) may, upon mailing the notice of assessment for the year, refund, without application therefor, any overpayment made on account of the tax; and

(b) shall make such a refund after mailing the notice of assessment if application therefor has been made in writing by the taxpayer within four years from the end of the year. R.S.O. 1950, c. 175, s. 14 (1), *amended*.

(2) Instead of making a refund that might otherwise be made under this section, the Treasurer may, where the tax-^{Application to other taxes} payer is liable or about to become liable to make another payment under this Act, apply the amount of the overpayment to that other liability and notify the taxpayer of such action. R.S.O. 1950, c. 175, s. 14 (2).

(3) Where an amount in respect of an overpayment is ^{Interest on over-payments} refunded or applied under this section on other liability, interest at the rate of 3 per cent per annum shall be paid or applied thereon for the period commencing with the latest of,

(a) the day when the overpayment arose;

(b) the day on or before which the return for the taxation year in respect of which the tax was paid was required to be filed; or

(c) the day when the return for the taxation year was actually filed,

and ending with the day of refunding or application aforesaid, unless the amount of the interest so calculated is less than \$1, in which event no interest shall be paid or applied under this subsection. R.S.O. 1950, c. 175, s. 14 (3), *amended*.

(4) Where, by a decision of the Treasurer under section 17 ^{Idem} or by a decision of the Supreme Court of Ontario under section 20, it is finally determined that the tax payable by a taxpayer for a taxation year under this Part is less than the amount assessed by the assessment under section 6 to which the objection was made or from which the appeal was taken, and the decision makes it appear that there has been an overpayment for the taxation year, the interest payable under subsection 3 on that overpayment shall be computed at 6 per cent instead of 3 per cent. *New*.

Interpre-
tation

(5) For the purpose of this section, "overpayment" means the aggregate of all amounts paid on account of tax minus all amounts payable under this Act or an amount so paid where no amount is so payable. R.S.O. 1950, c. 175, s. 14 (4).

Effect of
carry-back
of loss
R.S.C. 1952,
c. 148

(6) Where a taxpayer is entitled to deduct under section 27 of the *Income Tax Act* (Canada), in computing his taxable income under that Act for a taxation year, an amount in respect of a loss sustained in the taxation year immediately following the taxation year, hereinafter in this subsection referred to as "the loss year", and the amount of the tax payable for the taxation year is relevant in determining an overpayment for the purpose of computing interest under subsection 3 for any portion of a period ending on or before the last day of the loss year, the tax payable for the taxation year shall be deemed to be the amount that it would have been if the taxpayer were not entitled to deduct any amount under section 27 of the *Income Tax Act* (Canada) in respect of that loss. *New*.

Notice of
objection

17.—(1) A taxpayer who objects to an assessment under this Act may, within ninety days from the day of mailing of the notice of assessment, serve on the Treasurer a notice of objection in duplicate in the prescribed form setting out the reasons for the objection and all relevant facts.

Service

(2) A notice of objection under this section shall be served by being sent by registered mail addressed to the Comptroller. R.S.O. 1950, c. 175, s. 15 (1, 2), *amended*.

Recon-
sideration

(3) Upon receipt of the notice of objection, the Treasurer shall with all due despatch reconsider the assessment and vacate, confirm or vary the assessment or re-assess and he shall thereupon notify the taxpayer of his action by registered mail. R.S.O. 1950, c. 175, s. 15 (3).

Idem

(4) A re-assessment made by the Treasurer pursuant to subsection 3 is not invalid by reason only of not having been made within four years from the day of mailing of a notice of an original assessment or a notification described in subsection 4 of section 6. *New*.

DIVISION D—APPEALS TO THE SUPREME COURT OF ONTARIO

Appeal

18.—(1) Where a taxpayer has served notice of objection to an assessment under section 17, he may appeal to the Supreme Court to have the assessment vacated or varied after either,

(a) the Treasurer has confirmed the assessment or re-assessed; or

- (b) 180 days have elapsed after service of the notice of objection and the Treasurer has not notified the taxpayer that he has vacated or confirmed the assessment or re-assessed,

but no appeal under this section may be instituted after the expiration of ninety days from the day notice has been mailed to the taxpayer under section 17 that the Treasurer has confirmed the assessment or re-assessed. R.S.O. 1950, c. 175, s. 16, *amended*.

(2) An appeal to the Supreme Court shall be instituted by serving on the Treasurer a notice of appeal in duplicate in the prescribed form and by filing a copy thereof with the Registrar of the Supreme Court or the local registrar of the Supreme Court for the county or district in which the taxpayer appealing resides. R.S.O. 1950, c. 175, s. 23 (1), *amended*. Appeals, how instituted

(3) A notice of appeal shall be served upon the Treasurer by being sent by registered mail addressed to the Comptroller. R.S.O. 1950, c. 175, s. 23 (2). Notice of appeal

(4) The taxpayer appealing shall set out in the notice of appeal a statement of the allegations of fact, the statutory provisions and the reasons that he intends to submit in supporting his appeal. Statement of allegations

(5) An appeal by a taxpayer and all proceedings thereunder are, upon the expiration of sixty days from the day the appeal is instituted, null and void unless security for the costs of the appeal has been, within the said period, paid into court in the sum of \$400 or such other sum as the Treasurer requires, and, upon an appeal becoming null and void by virtue of this subsection, no other appeal or proceedings shall be instituted in respect of the same decision. Security for costs

(6) Where security has been given under subsection 5, notice thereof shall be served on the Treasurer specifying the fact and the purpose of the payment. R.S.O. 1950, c. 175, s. 32 (3-5), *amended*. Idem

19.—(1) The Treasurer shall, with all due despatch, serve on the taxpayer appealing and file in the court a reply to the notice of appeal admitting or denying the facts alleged and containing a statement of such further allegations of fact and of such statutory provisions and reasons as the Treasurer intends to rely on. Reply to notice of appeal

Amendment
of notice of
appeal

(2) The court or a judge may in its or his discretion strike out a notice of appeal or any part thereof for failure to comply with subsection 4 of section 18 and may permit an amendment to be made to a notice of appeal or a new notice of appeal to be substituted for the one struck out. R.S.O. 1950, c. 175, s. 33 (1, 2), *amended*.

Amendment
to reply

(3) The court or a judge may in its or his discretion,

(a) strike out any part of a reply for failure to comply with subsection 1 or permit the amendment of a reply; or

(b) strike out a reply for failure to comply with this section and order a new reply to be filed within a time to be fixed by the order.

Failure
to comply

(4) Where a notice of appeal is struck out for failure to comply with subsection 4 of section 18 and a new notice of appeal is not filed as and when permitted by the court or a judge, the court or a judge thereof may, in its or his discretion, dispose of the appeal by dismissing it.

Idem

(5) Where a reply is not filed as required by this section or is struck out under this section and a new reply is not filed as ordered by the court or a judge within the time ordered, the court may dispose of the appeal *ex parte* or after a hearing on the basis that the allegations of fact contained in the notice of appeal are true. R.S.O. 1950, c. 175, s. 33 (3-5).

Matter
deemed
action

20.—(1) Upon the filing of the material referred to in sections 18 and 19 with the Registrar of the Supreme Court or the local registrar of the Supreme Court for the county or district in which the taxpayer appealing resides, the matter shall be deemed to be an action in the court and, unless the court otherwise orders, ready for hearing. R.S.O. 1950, c. 175, s. 34 (2), *amended*.

Facts not
set out may
be pleaded

(2) Any fact or statutory provision not set out in the notice of appeal or reply may be pleaded or referred to in such manner and upon such terms as the court directs. R.S.O. 1950, c. 175, s. 34 (3).

Disposal
of appeal

(3) The court may dispose of the appeal by,

(a) dismissing it;

(b) allowing it; or

(c) allowing it, and

- (i) vacating the assessment,
- (ii) varying the assessment,
- (iii) restoring the assessment, or
- (iv) referring the assessment back to the Treasurer for reconsideration and re-assessment. R.S.O. 1950, c. 175, s. 34 (4), *amended*.

(4) The court may in delivering judgment disposing of an appeal order payment or refund of tax, interest, penalties or costs by the taxpayer or the Treasurer, as the case may be. ^{Court may order payment of tax, etc.} R.S.O. 1950, c. 175, s. 35, *amended*.

21. Proceedings under this Division shall be held *in camera* upon request made to the court by the taxpayer appealing or by the Treasurer. ^{Proceedings in camera} R.S.O. 1950, c. 175, s. 36, *amended*.

22. The practice and procedure of the Supreme Court, including the right of appeal and the practice and procedure relating to appeals, apply to every matter deemed to be an action under section 20, and every judgment and order given or made in every such action may be enforced in the same manner and by the like process as a judgment or order given or made in an action commenced in the court. ^{Supreme Court practice to govern} R.S.O. 1950, c. 175, s. 37, *amended*.

23. An assessment shall not be vacated or varied on appeal by reason only of any irregularity, informality, omission or error on the part of any person in the observation of any directory provision of this Act. ^{Irregularities} R.S.O. 1950, c. 175, s. 18.

PART II

ADMINISTRATION AND ENFORCEMENT

24.—(1) The Treasurer shall administer and enforce this Act and control and supervise all persons employed to carry out or enforce this Act and the Comptroller may exercise all the powers and perform the duties of the Treasurer under this Act. ^{Treasurer's duty}

(2) The Treasurer may at any time extend the time for making a return under this Act. ^{Extensions for returns}

(3) The Treasurer may, if he considers it advisable in a particular case, accept security for payment of taxes by way of mortgage or other charge of any kind whatsoever on pro- ^{Security}

perty of the taxpayer or any other person or by way of guarantee from other persons. R.S.O. 1950, c. 175, s. 39 (1, 3, 4).

Regulations

25. The Lieutenant Governor in Council may make regulations,

- (a) prescribing anything that, by this Act, is to be prescribed, determined or regulated by regulations;
- (b) prescribing the evidence required to establish facts relevant to assessments under this Act;
- (c) to facilitate the assessment of tax where deductions or exemptions of a taxpayer have changed in a taxation year;
- (d) requiring any class of persons to make information returns respecting any class of information required in connection with assessments under this Act; R.S.O. 1950, c. 175, s. 40, cls. (a-d).
- (e) requiring a person who is, by a regulation made under clause d, required to make an information return to supply a copy of the information return or a prescribed portion thereof to the person or persons in respect of the taxes payable by such person or persons to which the information return or portion thereof relates; *New*.
- (f) authorizing a designated officer or class of officers to exercise powers or perform duties of the Treasurer or the Comptroller under this Act; R.S.O. 1950, c. 175, s. 40, cl. (e).
- (g) providing for the retention by way of deduction or set-off of the amount of tax payable by a taxpayer under this Act out of any amount or amounts that may be or become payable by Her Majesty in right of Ontario to him in respect of salary or wages; *New*.
- (h) requiring every person or every member of any group or class of persons ceasing to be a resident of Ontario to make application to the Treasurer for a certificate that there are not outstanding any assessed taxes, interest or penalties payable under this Act and that he is not in default in filing any return required by or under this Act;
- (i) defining the classes of persons who may be regarded as dependent for the purposes of this Act; R.S.O. 1950, c. 175, s. 40, cls. (g, h).

(j) defining the classes of non-resident persons who may be regarded for the purposes of this Act,

(i) as a spouse supported by a taxpayer, or

(ii) as a person dependent or wholly dependent upon a taxpayer for support,

and specifying the evidence required to establish that a person belongs to any such class; and *New.*

(k) generally to carry out the purposes and provisions of this Act. R.S.O. 1950, c. 175, s. 40, cl. (i).

26. All taxes, interest and penalties, costs and other ^{Debts to} amounts payable under this Act are debts due to Her Majesty ^{Her Majesty} for the uses of Ontario and are recoverable in any court of competent jurisdiction or in any other manner provided by this Act. R.S.O. 1950, c. 175, s. 41, *amended.*

27.—(1) Where the Treasurer has knowledge or suspects ^{Garnishment} that a person is or is about to become indebted or liable to make any payment to a taxpayer liable to make a payment under this Act, he may, by registered letter or by a letter served personally, require him to pay the moneys otherwise payable to that taxpayer in whole or in part to the Treasurer on account of the liability under this Act. R.S.O. 1950, c. 175, s. 43 (1), *amended.*

(2) The receipt of the Treasurer for moneys paid as required ^{Idem} under this section is a good and sufficient discharge of the original liability to the extent of the payment. R.S.O. 1950, c. 175, s. 43 (2).

(3) Where the Treasurer has, under this section, required ^{Idem} an employer to pay to the Treasurer on account of a liability of an employee under this Act moneys otherwise payable by the employer to the employee as remuneration, the requirement is applicable to all future payments by the employer to the employee in respect of remuneration until the liability under this Act is satisfied and operates to require payments to the Treasurer out of each payment of remuneration of such amount as is stipulated by the Treasurer in the registered letter. R.S.O. 1950, c. 175, s. 43 (3), *amended.*

(4) Every person who has discharged any liability to a ^{Liability of debtor} taxpayer liable to make a payment under this Act without complying with a requirement under this section is liable to pay Her Majesty in right of Ontario an amount equal to the

liability discharged or the amount that he was required under this section to pay to the Treasurer, whichever is the lesser. R.S.O. 1950, c. 175, s. 43 (4).

Service of
garnishee

(5) Where a person who is or is about to become indebted or liable to make a payment to a taxpayer liable to make a payment under this Act carries on business under a name or style other than his own name, the registered or other letter under subsection 1 may be addressed to the name or style under which he carries on business and, in the case of personal service, shall be deemed to have been validly served if it has been left with an adult person employed at the place of business of the addressee.

Idem

(6) Where the persons who are or are about to become indebted or liable to make a payment to a taxpayer liable to make a payment under this Act carry on business in partnership, the registered or other letter under subsection 1 may be addressed to the partnership name and, in the case of personal service, shall be deemed to have been validly served if it has been served on one of the partners or left with an adult person employed at the place of business of the partnership. *New.*

Recovery
of tax,
interest and
penalties

28.—(1) Upon default of payment by a taxpayer of any tax, interest or penalty or any of them imposed upon him by this Act,

(a) the Treasurer may bring an action for the recovery thereof in any court in which a debt or money demand of a similar amount may be collected, and every such action shall be brought and executed in and by the name of the Treasurer or his name of office and may be continued by his successor in office as if no change had occurred, and shall be tried without a jury;

(b) the Treasurer may issue a warrant, directed to the sheriff of any county or district in which any property of the taxpayer is located or situate, for the amount of the tax, interest and penalty or any of them owing by the taxpayer, together with interest thereon from the date of the issue of the warrant and the costs, expenses and poundage of the sheriff, and such warrant has the same force and effect as a writ of execution issued out of the Supreme Court.

Compliance
of Treasurer
to be proved
by affidavit

(2) For the purpose of any proceeding taken under this Act, the facts necessary to establish compliance on the part of the Treasurer with this Part as well as the failure of any person, partnership, syndicate, trust or corporation to comply with the requirements of this Part shall, unless evidence to the

contrary satisfactory to the court is adduced, be sufficiently proven in any court of law by affidavit of the Treasurer or of any officer of the Treasury Department. *New.*

29. The use of any of the remedies provided by sections 27 and 28 does not bar or affect any of the other remedies therein provided, and the remedies provided by this Act for the recovery or enforcement of the payment of any tax, interest and penalty or any of them imposed by this Act are in addition to any other remedies existing by law, and no action or other proceeding taken in any way prejudices, limits or affects any lien, charge or priority existing under this Act or otherwise. *New.*

Remedies for recovery of tax and penalty

30.—(1) Where the Treasurer suspects that the taxpayer is about to leave Ontario, he may before the day otherwise fixed for payment, by notice served personally or by registered letter addressed to the taxpayer, demand payment of all taxes, interest and penalties for which the taxpayer is liable or would be liable if the time for payment had arrived, and the same shall be paid forthwith notwithstanding any other provision of this Act. R.S.O. 1950, c. 175, s. 45 (1).

Taxpayer leaving Ontario or defaulting

(2) Where a person has failed to pay tax, interest or penalties demanded under this section as required, sections 27 and 28 are thereupon applicable *mutatis mutandis*. R.S.O. 1950, c. 175, s. 45 (2), *amended*.

Idem

31.—(1) No action lies against any person for withholding or deducting any sum of money in compliance or intended compliance with this Act.

Withholding taxes

(2) Every person whose employer is required to deduct or withhold any amount from his remuneration under section 7 shall, from time to time as prescribed, file a return with his employer in the prescribed form.

Idem

(3) Every person failing to file a form as required by subsection 2 is liable to have the deduction or withholding from his salary or wages under section 7 made as though he were an unmarried person without dependants.

Idem

(4) Every person who deducts or withholds an amount under this Act shall be deemed to hold the amount so deducted or withheld in trust for Her Majesty in right of Ontario. R.S.O. 1950, c. 175, s. 46 (1-4).

Idem

(5) All amounts deducted or withheld by a person under this Act shall be kept separate and apart from his own moneys, and, in the event of any liquidation, assignment or bankruptcy,

Idem

such amounts shall remain apart and form no part of the estate in liquidation, assignment or bankruptcy. R.S.O. 1950, c. 175, s. 46 (5), *amended*.

Idem

(6) Where a person on whose behalf an amount has been paid to the Treasurer after having been deducted or withheld under this Act was not liable to pay any tax under this Act or where the amount so paid to the Treasurer on his behalf is in excess of the tax that he was liable to pay, the Treasurer shall, upon application in writing made within two years from the end of the calendar year in which the amount was paid, pay to him the amount so paid or such part thereof as he was not liable to pay, unless he is otherwise liable or about to become liable to make a payment under this Act, in which case the Treasurer may apply the amount otherwise payable under this subsection to that payment and notify him of that fact.

Idem

(7) Any person who has failed to deduct or withhold any amount as required by this Act or a regulation is liable to pay to Her Majesty in right of Ontario,

(a) if the amount should have been deducted or withheld under subsection 1 of section 7 from an amount that has been paid to a person resident in Ontario, 10 per cent of the amount that should have been deducted or withheld; and

(b) in any other case, the whole amount that should have been deducted or withheld,

together with interest thereon at the rate of 10 per cent per annum.

Idem

(8) Every person who has failed to remit or pay an amount deducted or withheld as required by this Act or a regulation is liable to a penalty of 10 per cent of that amount or \$10, whichever is the greater, in addition to the amount itself, together with interest on the amount at the rate of 10 per cent per annum.

Idem

(9) The Treasurer may assess any person for any amount that has been deducted or withheld under this Act or a regulation or that is payable under this section and, upon his sending a notice of assessment to that person, Division C of Part I is applicable *mutatis mutandis*. R.S.O. 1950, c. 175, s. 46 (7-10).

Idem

(10) The provisions of this Act that require a person to deduct or withhold an amount in respect of taxes from

amounts payable to a taxpayer are applicable to Her Majesty in right of Canada or a province. R.S.O. 1950, c. 175, s. 46 (11), *amended*.

(11) Where this Act requires an amount to be deducted or ^{Idem} withheld, an agreement by the person on whom that obligation is imposed not to deduct or withhold is void.

(12) The receipt of the Treasurer for an amount withheld ^{Idem} or deducted by any person as required by or under this Act is a good and sufficient discharge of the liability of any debtor to his creditor with respect thereto to the extent of the amount referred to in the receipt. R.S.O. 1950, c. 175, s. 46 (12, 13).

32.—(1) Every taxpayer carrying on business and every ^{Books and records} person who is required, by or pursuant to this Act, to pay or collect taxes or other amounts shall keep records and books of account, including an annual inventory kept in the prescribed manner, at his place of business or residence in Ontario or at such other place as is designated by the Treasurer, in such form and containing such information as will enable the taxes payable under this Act or the taxes or other amounts that should have been deducted, withheld or collected to be determined.

(2) Where a person has failed to keep adequate records ^{Idem} and books of account for the purposes of this Act, the Treasurer may require him to keep such records and books of account as he specifies and that person shall thereafter keep records and books of account as so required. R.S.O. 1950, c. 175, s. 47 (1, 2), *amended*.

(3) Every person required by this section to keep records ^{Idem} and books of account shall, until written permission for their disposal is obtained from the Treasurer, retain every such record or book of account and every account or voucher necessary to verify the information in any such record or book of account. R.S.O. 1950, c. 175, s. 47 (3).

33.—(1) Any person thereunto authorized by the Treasurer ^{Investigations} for any purpose related to the administration or enforcement of this Act may, at all reasonable times, enter into any premises or place where any business is carried on or any property is kept or anything is done in connection with any business or any books or records are, or should be, kept pursuant to this Act, and,

- (a) audit or examine the books and records and any account, voucher, letter, telegram or other document

that relates or may relate to the information that is or should be in the books or records or the amount of tax payable under this Act;

- (b) examine property described by an inventory or any property, process or matter an examination of which may, in his opinion, assist him in determining the accuracy of an inventory or in ascertaining the information that is or should be in the books or records or the amount of any tax payable under this Act;
- (c) require the owner or manager of the property or business and any other person on the premises or place to give him all reasonable assistance with his audit or examination and to answer all proper questions relating to the audit or examination either orally or, if he so requires, in writing, on oath or by statutory declaration, and, for that purpose, require the owner or manager to attend at the premises or place with him; and
- (d) if, during the course of an audit or examination, it appears to him that there has been a violation of this Act or a regulation, seize and take away any of the records, books, accounts, vouchers, letters, telegrams and other documents and retain them until they are produced in any court proceedings.

Idem

(2) The Treasurer may, for any purpose related to the administration or enforcement of this Act, by registered letter or by a demand served personally, require from any person,

- (a) any information or additional information, or a return as required by section 4 or a supplementary return; or
- (b) production, or production on oath, of any books, letters, accounts, invoices, statements, financial or otherwise, or other documents,

within such reasonable time as is stipulated therein. R.S.O. 1950, c. 175, s. 48 (1, 2).

Idem

(3) The Treasurer may, for any purpose related to the administration or enforcement of this Act, by registered letter or by a demand served personally, require from any person, partnership, syndicate, trust or corporation holding or paying or liable to pay any portion of the income of a taxpayer, or from any partner, agent or official or any such person, partnership, syndicate, trust or corporation, production, or production

on oath, of any books, letters, accounts, invoices, statements, financial or otherwise, or other documents, within such reasonable time as is stipulated therein. *New.*

(4) The Treasurer may, for any purpose related to the administration or enforcement of this Act, with the approval of a judge of the Supreme Court, which approval the judge is hereby empowered to give upon *ex parte* application, authorize in writing any officer of the Office of the Comptroller of Revenue, together with such members of the provincial police or other peace officers as he calls on to assist him and such other persons as are named therein, to enter and search, if necessary by force, any building, receptacle or place for documents, books, records, papers or things that may afford evidence as to the violation of any provision of this Act or the regulations and to seize and take away any such documents, books, records, papers or things and retain them until they are produced in any court proceedings. R.S.O. 1950, c. 175, s. 48 (3), *amended.*

(5) The Treasurer may, by registered letter or by a demand served personally, require the production, under oath or otherwise, by any person, partnership, syndicate, trust or corporation, or by his or its agent or officers, of any letters, accounts, invoices, statements, financial or otherwise, books or other documents in the possession or in the control of such person, partnership, syndicate, trust or corporation, or of his or its agent or officer, for the purpose of determining what tax, if any, is payable under this Act by any taxpayer, and production thereof shall be made within such reasonable time as is stipulated in such registered letter or demand. *New.*

(6) The Treasurer may, for any purpose related to the administration or enforcement of this Act, authorize any person, whether or not he is an officer of the Office of the Comptroller of Revenue, to make such inquiry as he deems necessary with reference to anything relating to the administration or enforcement of this Act.

(7) Where a book, record or other document has been seized, examined or produced under this section, the person by whom it is seized or examined or to whom it is produced or any officer of the Office of the Comptroller of Revenue may make, or cause to be made, one or more copies thereof, and a document purporting to be certified by the Treasurer or a person thereunto authorized by the Treasurer to be a copy made pursuant to this section is admissible in evidence and has the same probative force as the original document would have had if it had been proven in the ordinary way. R.S.O. 1950, c. 175, s. 48 (4, 5), *amended.*

- Compliance** (8) No person shall hinder or molest or interfere with any person doing anything that he is authorized by this section to do, or prevent or attempt to prevent any person doing any such thing. R.S.O. 1950, c. 175 s. 48 (6), *part*.
- Idem** (9) Notwithstanding any other law to the contrary, every person shall, unless he is unable to do so, do everything he is required by this section to do. R.S.O. 1950, c. 175, s. 48 (6), *part*.
- Powers** (10) For the purpose of an inquiry authorized under subsection 6, the person authorized to make the inquiry has all the powers and authority that may be conferred upon a commissioner appointed under *The Public Inquiries Act*. R.S.O. 1950, c. 175, s. 48 (7).
- R.S.O. 1960,
c. 323
- Information returns** **34.** Whether or not he has filed an information return as required by a regulation made under clause *d* of subsection 1 of section 25, every person shall, on demand by registered letter from the Treasurer, file with the Treasurer, within such reasonable time as may be stipulated in the registered letter, such prescribed information return as is designated in the letter. *New*.
- Ownership certificates** **35.—(1)** Before a bearer coupon or warrant representing either interest or dividends payable by any debtor or cheque representing dividends or interest payable by a non-resident debtor is negotiated by or on behalf of a resident of Ontario, there shall be completed by or on behalf of the resident an ownership certificate in the prescribed form.
- Idem** (2) An ownership certificate completed pursuant to subsection 1 shall be delivered in such manner, at such time and at such place as may be prescribed, and a person who has failed to do so is liable on summary conviction to a fine of not less than \$10 and not more than \$100.
- Idem** (3) A person who has failed to complete an ownership certificate as required by or under this Act, and a debtor or other person who has cashed a coupon or warrant for which an ownership certificate has not been completed, is liable on summary conviction to a fine of not less than \$10 and not more than \$100. R.S.O. 1950, c. 175, s. 49.
- Penalty for failure to make returns** **36.—(1)** Every person who has failed to make a return as and when required by a regulation under section 25 or by subsection 2 of section 31 is liable to a penalty of \$10 a day for each day of default but not exceeding in all \$2,500. R.S.O. 1950, c. 175, s. 50.

(2) Every person who fails to comply with a regulation ^{Idem} made under clause *e* of subsection 1 of section 25 is liable to a penalty of \$10 a day for each day of default, but not exceeding in all \$2,500. *New.*

37. A return, certificate or other document made by a corporation pursuant to this Act or a regulation shall be signed ^{Execution of documents by corporations} on its behalf by the president, secretary or treasurer of the corporation or by any other officer or person thereunto duly authorized by the board of directors or other governing body of the corporation. R.S.O. 1950, c. 175, s. 51.

38.—(1) Every person who has failed to file a return as ^{Offences} and when required by or under this Act or a regulation is guilty of an offence and, in addition to any penalty otherwise provided, is liable on summary conviction to a fine of not less than \$25 for each day of default.

(2) Every person who has failed to comply with or has con- ^{Idem} travened subsection 1 of section 7, subsection 5 of section 31, section 32 or section 33 is guilty of an offence and, in addition to any penalty otherwise provided, is liable on summary conviction to,

(a) a fine of not less than \$200 and not more than \$10,000; or

(b) both the fine prescribed in clause *a* and imprisonment for a term not exceeding six months.

(3) Where a person has been convicted under this section ^{Saving} of failing to comply with the provisions of this Act or a regulation, he is not liable to pay a penalty imposed under section 14, section 31 or section 36 for the same failure unless he was assessed for that penalty or that penalty was demanded from him before the information or complaint giving rise to the conviction was laid or made. R.S.O. 1950, c. 175, s. 52.

39.—(1) Every person who has,

^{False statements}

(a) made, or participated in, assented to or acquiesced in the making of false or deceptive statements in a return, certificate, statement or answer, filed or made as required by or under this Act or a regulation;

(b) to evade payment of a tax imposed by this Act, destroyed, altered, mutilated, secreted or otherwise disposed of the records or books of account of a taxpayer;

- (c) made, or assented to or acquiesced in the making of, false or deceptive entries or omitted, or assented to or acquiesced in the omission, to enter a material particular in records or books of account of a taxpayer;
- (d) wilfully, in any manner, evaded or attempted to evade compliance with this Act or payment of taxes imposed by this Act; or
- (e) conspired with any person to commit an offence described in clauses *a* to *d*,

is guilty of an offence and, in addition to any penalty otherwise provided, is liable on summary conviction to,

- (f) a fine of not less than \$25 and not more than \$10,000 plus, in an appropriate case, an amount not exceeding double the amount of the tax that should have been shown to be payable or that was sought to be evaded; or
- (g) both the fine prescribed in clause *f* and imprisonment for a term of not more than two years. R.S.O. 1950, c. 175, s. 53 (1).

Idem

(2) Every person who is charged with an offence described in subsection 1 may, at the election of the Attorney General, be prosecuted upon indictment and, if convicted, is, in addition to any penalty otherwise provided, liable to imprisonment for a term of not less than two months and not more than five years. R.S.O. 1950, c. 175, s. 53 (2), *amended*.

Penalty
upon
conviction

(3) Where a person has been convicted under this section of wilfully, in any manner, evading or attempting to evade payment of taxes imposed by this Act, he is not liable to pay a penalty imposed under subsection 1 of section 15 for the same evasion or attempt unless he was assessed for that penalty before the information or complaint giving rise to the conviction was laid or made. *New*.

Communica-
tion of
information

40. Every person who, while employed in the service of Her Majesty, has communicated or allowed to be communicated to a person not legally entitled thereto any information obtained under this Act or has allowed any such person to inspect or have access to any written statement furnished under this Act is guilty of an offence and is liable on summary conviction to a fine of not more than \$200. R.S.O. 1950, c. 175, s. 54, *amended*.

41. Where a corporation is guilty of an offence under this Act, an officer, director or agent of the corporation who directed, authorized, assented to, acquiesced in, or participated in, the commission of the offence is a party to and guilty of the offence and is liable on summary conviction to the punishment provided for the offence whether or not the corporation has been prosecuted or convicted. R.S.O. 1950, c. 175, s. 55. Officers, etc.,
of
corporations

42. Notwithstanding any other statute or law in force at the commencement of this Act, the court has, in any prosecution or proceeding under this Act, no power to impose less than the minimum fine or imprisonment fixed by this Act and the court has no power to suspend sentence. R.S.O. 1950, c. 175, s. 56. No
decrease in
punishment

43.—(1) An information under this Act may be laid by any officer of the Treasury Department or by any person thereunto authorized by the Treasurer and, where an information purports to have been laid under this Act, it shall be deemed to have been laid by a person thereunto authorized by the Treasurer and shall not be called in question for lack of authority of the informant except by the Treasurer or by some person acting for him or for Her Majesty. Information
or complaint

(2) An information in respect of an offence under this Act may be for one or more than one offence and no information, warrant, conviction or other proceeding in a prosecution under this Act is objectionable or insufficient by reason of the fact that it relates to two or more offences. Two or more
offences

(3) An information in respect of an offence under this Act may be heard, tried or determined by any magistrate if the accused is resident, carrying on business, found or apprehended or is in custody within his jurisdiction although the matter of the information did not arise within his jurisdiction. Jurisdiction

(4) An information under the *Criminal Code* (Canada) in respect of an offence under this Act may be laid on or before a day five years from the time when the matter of the information arose or within one year from the day on which evidence, sufficient in the opinion of the Treasurer to justify a prosecution for the offence, came to his knowledge, and the Treasurer's certificate as to the day on which such evidence came to his knowledge is conclusive evidence thereof. Limitation of
prosecution
1953-54,
c. 51 (Can.)

(5) Where, by this Act or a regulation, provision is made for sending by mail a request for information, notice or demand, an affidavit of an officer of the Treasury Department setting out that he has charge of the appropriate records, Proof of
service by
mail

that he has knowledge of the facts in the particular case, that such a request, notice or demand was sent by registered letter on a named day to the person to whom it was addressed, indicating such address and that he identifies as exhibits attached to the affidavit the post office certificate of registration of the letter or a true copy of the relevant portion thereof and a true copy of the request, notice or demand shall be received as *prima facie* evidence of the sending and of the request, notice or demand.

Proof of
failure to
comply

(6) Where, by this Act or a regulation, a person is required to make a return, statement, answer or certificate, an affidavit of an officer of the Treasury Department setting out that he has charge of the appropriate records and that after a careful examination and search of the records he has been unable to find in a given case that the return, statement, answer or certificate, as the case may be, has been made by such person shall be received as *prima facie* evidence that in such case that person did not make the return, statement, answer or certificate, as the case may be.

Proof of
time of
compliance

(7) Where, by this Act or a regulation, a person is required to make a return, statement, answer or certificate, an affidavit of an officer of the Treasury Department setting out that he has charge of the appropriate records and that after a careful examination of such records he has found that the return, statement, answer or certificate was filed or made on a particular day shall be received as *prima facie* evidence that it was filed or made on that day and not prior thereto.

Proof of
documents

(8) An affidavit of an officer of the Treasury Department setting out that he has charge of the appropriate records and that a document annexed thereto is a document or a true copy of a document made by or on behalf of the Treasurer or some person exercising the powers of the Treasurer or by or on behalf of a taxpayer shall be received as *prima facie* evidence of the nature and contents of the document and is admissible in evidence and has the same probative force as the original document would have if it had been proven in the ordinary way.

Proof of
no appeal

(9) An affidavit of an officer of the Treasury Department setting out that he has charge of the appropriate records and has knowledge of the practice of the Department and that an examination of the records shows that a notice of assessment for a particular taxation year was mailed or otherwise communicated to a taxpayer on a particular day pursuant to this Act and that, after a careful examination and search of the records, he has been unable to find that a notice of objection

or of appeal from the assessment was received within the time allowed therefor shall be received as *prima facie* evidence of the statements contained therein.

(10) Where evidence is offered under this section by an ^{Presumption} affidavit from which it appears that the person making it is an officer of the Treasury Department, it is not necessary to prove his signature or that he is such an officer nor is it necessary to prove the signature or official character of the person before whom the affidavit was sworn.

(11) Judicial notice shall be taken of all orders and regu- ^{Judicial} ^{notice} lations made under this Act without being specially pleaded or proven. R.S.O. 1950, c. 175, s. 57 (1-11).

(12) Every document purporting to be an order, direction, ^{Proof of} ^{documents} demand, notice, certificate, requirement, decision, assessment, discharge of mortgage or other document purporting to have been executed under, or in the course of administration or enforcement of, this Act over the name in writing of the Treasurer, the Comptroller, or an officer authorized by regulation to exercise powers or perform duties of the Treasurer under this Act, shall be deemed to be a document signed, made and issued by the Treasurer, the Comptroller or the officer unless it has been called in question by the Treasurer or by some person acting for him or for Her Majesty.

(13) For the purposes of this Act, the day of mailing of a ^{Mailing date} notice of assessment or notification described in subsection 4 of section 6 shall, in the absence of any evidence to the contrary, be deemed to be the day appearing from such notice or notification to be the date thereof unless called in question by the Treasurer or by some person acting for him or for Her Majesty.

(14) Where a notice of an assessment has been sent by the ^{Date when} ^{assessment} ^{made} Treasurer as required by this Act, the assessment shall be deemed to have been made on the day of the mailing of the notice of assessment.

(15) Every form purporting to be a form prescribed or ^{Forms pre-} ^{scribed or} ^{authorized} authorized by the Treasurer shall be deemed to be a form prescribed by order of the Treasurer under this Act unless called in question by the Treasurer or some person acting for him or for Her Majesty.

(16) In any prosecution for an offence under this Act, the ^{Proof of} ^{return} production of a return, certificate, statement or answer required by or under this Act or a regulation, purporting to have been filed or delivered by or on behalf of the person charged with the offence or to have been made or signed by him or

on his behalf, shall be received as *prima facie* evidence that such return, certificate, statement or answer was filed or delivered by or on behalf of that person or was made or signed by him or on his behalf. *New.*

PART III

Inter- pretation

44.—(1) In this Act,

1. "amount" means money, rights or things expressed in terms of the amount of money or the value in terms of money of the right or thing; R.S.O. 1950, c. 175, s. 58 (1), cl. (a).
2. "annuity" includes an amount payable on a periodic basis whether payable at intervals longer or shorter than a year and whether payable under a contract, will or trust or otherwise; *New.*
3. "assessment" includes a re-assessment; R.S.O. 1950, c. 175, s. 58 (1), cl. (b).
4. "business" includes a profession, calling, trade, manufacture or undertaking of any kind whatsoever and includes an adventure or concern in the nature of trade, but does not include an office or employment;
5. "child qualified for family allowance" means a child who, in the last month of the taxation year in respect of which the expression is being applied, was or might have been qualified by registration under the *Family Allowances Act* (Canada) so that an allowance under the said Act was or might have been payable in respect of that child for the immediately following month;
6. "common share" is a share the holder of which is not precluded upon the reduction or redemption of the capital stock from participating in the assets of the corporation beyond the amount paid up thereon plus a fixed premium or a defined rate of dividend; *New.*
7. "Comptroller" means Comptroller of Revenue for Ontario;
8. "corporation" includes incorporated companies; R.S.O. 1950, c. 175, s. 58 (1), cls. (c, d).
9. "country other than Canada" includes any of Her Majesty's self-governing dominions or dependencies;

R.S.C. 1952,
c. 109

10. "death benefit" for a taxation year means the amount or amounts received in the year by any person upon or after the death of an employee in recognition of his service in an office or employment, minus,

(a) where the amount or amounts were received by his widow, the lesser of,

(i) the amount or amounts so received, or

(ii) an amount equal to the salary, wages or other remuneration of the employee for the last year in that office or employment for which he received any such remuneration or \$10,000, whichever is the lesser, minus amounts deductible in computing for previous years the death benefits received in respect of his service in that office or employment; or

(b) where the employee died without leaving a widow or where no amount is deductible in computing for any year the death benefits received by his widow in respect of his service in that or any other office or employment, the lesser of,

(i) the amount or amounts so received, or

(ii) that proportion of any amount determined as provided in subclause ii of clause *a* that the amount or amounts so received are of the aggregate of all amounts received in the year, by each of the persons who received any such amount or amounts, upon or after the death of the employee in recognition of his service in that office or employment,

except that, where any death benefits were received in the year in respect of the services of an employee in more than one office or employment,

(c) this definition shall be read as requiring a separate determination of the death benefits received in respect of his service in each particular office or employment; and

- (d) there shall be substituted for the amount determined under subclause ii of clause *a* or subclause ii of clause *b*, as the case may be, in respect of each particular office or employment, an amount equal to that proportion of the amount otherwise determined thereunder that the salary, wages and other remuneration of the employee for the last year in that particular office or employment for which he received any such remuneration is of the aggregate of his said remuneration for the last years in each of the said offices or employments from which he received any such remuneration;
11. "dividend" does not include a stock dividend; *New*.
 12. "employed" means performing the duties of an office or employment; R.S.O. 1950, c. 175, s. 58 (1), cl. (e).
 13. "employee" includes officer;
 14. "employer", in relation to an officer, means the person from whom the officer receives his remuneration; *New*.
 15. "employment" means the position of an individual in the service of some other person, including Her Majesty or a foreign state or sovereign, and "servant" or "employee" means a person holding such a position;
 16. "estate" means the trustee or the executor, administrator, heir or other legal representative having ownership or control of the trust or estate property; R.S.O. 1950, c. 175, s. 58 (1), cls. (f, g).
 17. "exempt income" means money, rights or things received or acquired by a person in such circumstances that they are, by reason of any provision of Part I of the *Income Tax Act* (Canada), not included in computing his income under that Act and includes amounts that are deductible under section 28 of that Act or that would be so deductible if it were not for subsection 2 of section 28 of that Act;
 18. "farming" includes tillage of the soil, live stock raising or exhibiting, maintaining of horses for racing, raising of poultry, fur farming, dairy farming, fruit

growing and the keeping of bees, but does not include an office or employment under a person engaged in the business of farming;

19. "fishing" includes fishing for or catching shell fish, crustaceans and marine animals, but does not include an office or employment under a person engaged in the business of fishing; *New*.
20. "fiscal period" means the period for which the accounts of the business of the taxpayer have been ordinarily made up and accepted for purposes of assessment under this Act and, in the absence of an established practice, the fiscal period is that adopted by the taxpayer, but no fiscal period may exceed a period of twelve months and no change in a usual and accepted fiscal period may be made for the purposes of this Act without the concurrence of the Treasurer; R.S.O. 1950, c. 175, s. 58 (1), cl. (h).
21. "gross revenue" means the aggregate of all amounts received in a taxation year or receivable in the year, depending on the method regularly followed by the taxpayer in computing his profit, otherwise than as or on account of capital; *New*.
22. "individual" means a person other than a corporation; R.S.O. 1950, c. 175, s. 58 (1), cl. (i).
23. "inventory" means a description of property the cost or value of which is relevant in computing the income of a taxpayer under the *Income Tax Act* ^{R.S.C. 1952, c. 148} (Canada) from a business for a taxation year; R.S.O. 1950, c. 175, s. 58 (1), cl. (j), *amended*.
24. "loss" means a loss computed by applying the provisions of the *Income Tax Act* (Canada) respecting computation of income from a business *mutatis mutandis*, but not including in the computation a dividend or part of a dividend the amount of which would be deductible under section 28 of the *Income Tax Act* (Canada) in computing taxable income, minus any amount by which a loss operated to reduce the income of the taxpayer from other sources in calculating the tax payable under the *Income Tax Act* (Canada) for the year in which it was sustained; *New*.
25. "Minister" means Minister of National Revenue for Canada;

26. "non-resident" means not resident in Ontario;
27. "office" means the position of an individual entitling him to a fixed or ascertainable stipend or remuneration and includes a judicial office, the office of a Minister of the Crown, the office of a member of the Senate or House of Commons of Canada, a member of a legislative assembly, a senator or member of a legislative or executive council and any other office, the incumbent of which is elected by popular vote or is elected or appointed in a representative capacity and also includes the position of a corporation director, and "officer" means a person holding such an office; R.S.O. 1950, c. 175, s. 58 (1), cls. (*k-m*).
28. "personal corporation" means a corporation defined by section 68 of the *Income Tax Act* (Canada) to be a personal corporation;
29. "personal or living expenses" includes,
- (a) the expenses of properties maintained by any person for the use or benefit of the taxpayer or any person connected with the taxpayer by blood relationship, marriage or adoption and not maintained in connection with a business carried on for profit or with a reasonable expectation of profit;
 - (b) the expenses, premiums or other costs of a policy of insurance, annuity contract or other like contract if the proceeds of the policy or contract are payable to or for the benefit of the taxpayer or a person connected with him by blood relationship, marriage or adoption; and
 - (c) expenses of properties maintained by a personal corporation, estate or trust for the benefit of the taxpayer as one of its shareholders or beneficiaries; *New*.
30. "prescribed", in the case of a form or the information to be given on a form, means prescribed by order of the Treasurer and, in any other case, means prescribed by regulation;
31. "property" means property of any kind whatsoever, whether real or personal or corporeal or incorporeal, and, without restricting the generality of the fore-

R.S.C. 1952,
c. 148

going, includes a right of any kind whatsoever, a share or a chose in action; R.S.O. 1950, c. 175, s. 58 (1), cls. (n, o).

32. "province" means a province of Canada;
33. "registered pension fund or plan" means an employees' superannuation or pension fund or plan accepted by the Treasurer for registration for the purposes of this Act in respect of its constitution and operations for the taxation year under consideration;
34. "registered retirement savings plan" means a retirement savings plan accepted by the Treasurer for registration for the purposes of this Act as complying with the requirements of section 79B of the *Income Tax Act* (Canada); *New*. R.S.C. 1952,
c. 148
35. "regulation" means a regulation made by the Lieutenant Governor in Council under this Act; R.S.O. 1950, c. 175, s. 58 (1), cl. (p).
36. "retiring allowance" means an amount received upon or after retirement from an office or employment in recognition of long service or in respect of loss of office or employment, other than a superannuation or pension benefit, whether the recipient is the officer or employee or a dependant, relation or legal representative;
37. "salary or wages", except in section 5 of the *Income Tax Act* (Canada) and paragraph 10 of this subsection, means the income of a taxpayer from an office or employment as computed under section 5 of the *Income Tax Act* (Canada) and includes all fees received for services not rendered in the course of the business of the taxpayer, but does not include superannuation or pension benefits or retiring allowances;
38. "self-contained domestic establishment" means a dwelling house, apartment or other similar place of residence in which place a person as a general rule sleeps and eats;
39. "separation agreement" includes an agreement by which a person agrees to make payments on a periodic basis for the maintenance of a former spouse, children of the marriage, or both the former spouse and the children of the marriage, after the marriage

has been dissolved by Parliament, whether the agreement was made before or after the marriage was dissolved;

40. "share" means a share of capital stock of a corporation;
41. "shareholder" includes a member or other person entitled to receive payment of a dividend;
42. "shareholder's portion of undistributed income of a corporation" has the meaning given to that expression by section 82 of the *Income Tax Act* (Canada);
43. "superannuation or pension benefit" includes any amount received out of or under a superannuation or pension fund or plan; *New*.
44. "taxpayer" includes any individual mentioned in Part I of this Act, whether or not he is liable to pay tax;
45. "Treasurer" means Treasurer of Ontario;
46. "trust" means the trustee or executor, administrator, heir or other legal representative having ownership or control of the trust or estate property;
47. "tax payable by a taxpayer under Part I" means the tax payable by him as fixed by assessment or reassessment, subject to variation on objection or appeal, if any, in accordance with the provisions of that Part. R.S.O. 1950, c. 175, s. 58 (1), cls. (g-t).

R.S.C. 1952,
c. 148

Taxation
year

(2) For the purpose of this Act, a "taxation year" is, in the case of an individual, a calendar year, and, when a taxation year is referred to by reference to a calendar year, the reference is to the taxation year or years coinciding with or ending in that year.

Extended
meaning of
resident

(3) For the purposes of this Act, a person shall be deemed to have been resident in Ontario in a taxation year if,

- (a) he sojourned in Ontario in the year for a period of, or periods the aggregate of which is, 183 days or more;
- (b) he was, at any time in the year, a member of the naval, army or air forces of Canada, if before his enlistment he was ordinarily resident in Ontario; or

(c) he was, at any time in the year,

(i) an ambassador, minister, high commissioner, officer or servant of Canada, or

(ii) an agent-general, officer or servant of Ontario,

and he was a resident in Ontario immediately prior to appointment by Canada or Ontario, as the case may be, or received representational allowances in respect of the year.

(4) In this Act, a reference to a person resident in Ontario ^{Ordinarily resident} includes a person who was at the relevant time ordinarily resident in Ontario. R.S.O. 1950, c. 175, s. 58 (2-4).

(5) For the purposes of this Act,

Arm's
length

(a) related persons shall be deemed not to deal with each other at arm's length; and

(b) it is a question of fact whether persons not related to each other were at a particular time dealing with each other at arm's length.

(6) For the purposes of this subsection and subsections 5 ^{Relationship defined} and 8, "related persons", or persons related to each other, are,

(a) individuals connected by blood relationship, marriage or adoption;

(b) a corporation and,

(i) a person who controls the corporation, if it is controlled by one person,

(ii) a person who is a member of a related group that controls the corporation, or

(iii) any person related to a person described by subclause i or ii;

(c) any two corporations,

(i) if they are controlled by the same person or group of persons,

(ii) if each of the corporations is controlled by one person and the person who controls one of the corporations is related to the person who controls the other corporation,

- (iii) if one of the corporations is controlled by one person and that person is related to any member of a related group that controls the other corporation,
- (iv) if one of the corporations is controlled by one person and that person is related to each member of an unrelated group that controls the other corporation,
- (v) if any member of a related group that controls one of the corporations is related to each member of an unrelated group that controls the other corporation, or
- (vi) if each member of an unrelated group that controls one of the corporations is related to at least one member of an unrelated group that controls the other corporation.

Corporations
related to
each other

(7) Where two corporations are related to the same corporation within the meaning of subsection 6, they shall, for the purpose of subsection 5 or 6, be deemed to be related to each other.

Interpre-
tation

(8) In this subsection and in subsections 6 and 9,

- (a) "related group" means a group of persons each member of which is related to every other member of the group; and
- (b) "unrelated group" means a group of persons that is not a related group.

Control by
related
group,
options, etc.

(9) For the purpose of subsection 6,

- (a) where a related group is in a position to control a corporation, it shall be deemed to be a related group that controls the corporation whether or not it is part of a larger group by whom the corporation is in fact controlled; and
- (b) a person who had a right under a contract, in equity or otherwise, either immediately or in the future and either absolutely or contingently, to, or to acquire, shares in a corporation, or to control the voting rights of shares in a corporation, shall be deemed to have had the same position in relation to the control of the corporation as if he owned the shares.

(10) For the purpose of clause *a* of subsection 6,

Persons
related by
blood rela-
tionship, etc.

- (a) persons are connected by blood relationship if one is the child or other descendant of the other or one is the brother or sister of the other;
- (b) persons are connected by marriage if one is married to the other or to a person who is so connected by blood relationship to the other; and
- (c) persons are connected by adoption if one has been adopted, either legally or in fact, as the child of the other or as the child of a person who is so connected by blood relationship, otherwise than as a brother or sister, to the other.

(11) Where, in a taxation year, a non-resident person,

Extended
meaning of
carrying on
business

- (a) produced, grew, mined, created, manufactured, fabricated, improved, packed, preserved or constructed, in whole or in part, anything in Ontario whether or not he exported that thing without selling it prior to exportation; or
- (b) solicited orders or offered anything for sale in Ontario through an agent or servant whether the contract or transaction was to be completed inside or outside Ontario or partly in and partly outside Ontario,

he shall be deemed, for the purposes of this Act, to have been carrying on business in Ontario in the year.

(12) In this Act, words referring to a child of a taxpayer include,

Extended
meaning of
child

- (a) an illegitimate child of the taxpayer;
- (b) a person who is wholly dependent on the taxpayer for support and of whom the taxpayer has, or immediately before such person attained the age of twenty-one years did have, in law or in fact, the custody and control; and
- (c) a daughter-in-law or a son-in-law of the taxpayer.

(13) In this Act, words referring to a parent of a taxpayer include a person whose child the taxpayer is, in the taxation year in respect of which the expression is being employed,

Parent

within the meaning of subsection 12 or whose child the taxpayer had previously been within the meaning of clause *b* of subsection 12, and,

- (a) "grandparent" includes grandmother-in-law and grandfather-in-law;
- (b) "parent" includes mother-in-law and father-in-law;
- (c) "brother" includes a brother-in-law; and
- (d) "sister" includes a sister-in-law.

Contract
under
pension plan

(14) For greater certainty, it is hereby declared that, where a document has been issued or a contract entered into, either before or after the coming into force of this subsection, purporting to create, to establish, to extinguish or to be in substitution for, the right of a taxpayer to an amount or amounts, immediately or in the future, out of or under a superannuation or pension fund or plan,

- (a) if the rights provided for in the document or contract are rights provided for by the superannuation or pension plan or are rights to a payment or payments out of the superannuation or pension fund, any payment under the document or contract is a payment out of or under the superannuation or pension fund or plan and the taxpayer shall be deemed not to have received, by the issuance of the document or entering into the contract, an amount out of or under the superannuation or pension fund or plan; and
- (b) if the rights created or established by the document or contract are not rights provided for by the superannuation or pension plan or a right to payments out of the superannuation or pension fund, an amount equal to the value of the rights created or established by the document or contract shall be deemed to have been received by the taxpayer out of or under the superannuation or pension fund or plan when the document was issued or the contract was entered into. *New.*

Interpre-
tation

R.S.C. 1952,
o. 148

(15) "Tax payable under the *Income Tax Act* (Canada)" and "tax payable under section 32 of the *Income Tax Act* (Canada)" and "tax otherwise payable under Part I of the *Income Tax Act* (Canada)" mean the tax otherwise payable under the *Income Tax Act* (Canada) in respect of which the expression is being applied, and the amount of such tax shall be determined,

- (a) before making any deduction in respect of taxes payable to the government of a country other than

Canada under section 41 of the *Income Tax Act* <sup>R.S.C. 1952,
c. 148</sup> (Canada);

- (b) before making any deduction in respect of taxes payable to a province under section 33 of the *Income Tax Act* (Canada);
- (c) in the case of a taxpayer by whom an election under section 43 of the *Income Tax Act* (Canada) has been made, to include the aggregate of the taxes calculated to be payable pursuant to clauses *a* and *b* of subsection 1 of the said section 43 before deduction therefrom of any amount in respect of taxes payable to a province for any year under section 33 of the *Income Tax Act* (Canada);
- (d) after making any deduction in respect of dividends under section 38 of the *Income Tax Act* (Canada); and
- (e) before including the Old Age Security tax imposed by subsection 3 of section 10 of the *Old Age Security Act* (Canada). <sup>R.S.C. 1952,
c. 200</sup> R.S.O. 1950, c. 175, s. 58 (5),
amended.

PART IV

MISCELLANEOUS

45. The following are repealed:	Repeal:
1. <i>The Income Tax Suspension Act, 1947.</i>	1947, c. 48
2. <i>The Income Tax Suspension Act, 1948.</i>	1948, c. 45
3. <i>The Income Tax Suspension Act, 1949.</i>	1949, c. 43
4. <i>The Income Tax Act.</i>	R.S.O. 1950, c. 175
5. <i>The Income Tax Suspension Act, 1951.</i>	1951, c. 38
6. <i>The Income Tax Suspension Act, 1952.</i>	1952, c. 40
7. <i>The Corporations and Income Taxes Suspension Act, 1952.</i>	1952 (2nd Sess.), c. 1
8. <i>The Corporations and Income Taxes Suspension Amendment Act, 1953.</i>	1953, c. 20

46. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. <sup>Commence-
ment</sup>

47. This Act may be cited as *The Income Tax Act, 1960-61*. ^{Short title}

The Income Tax Act, 1960-61

1st Reading

March 9th, 1961

2nd Reading

3rd Reading

MR. ALAN (Haldimand-Norfolk)

BILL 109

**2ND SESSION, 26TH LEGISLATURE, ONTARIO
9-10 ELIZABETH II, 1960-61**

The Income Tax Act, 1960-61

MR. ALLAN (Haldimand-Norfolk)

BILL 109

1960-61

The Income Tax Act, 1960-61

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

PART I

INCOME TAX

DIVISION A—LIABILITY FOR TAX

1.—(1) An income tax shall be paid as hereinafter required ^{Residents} upon the tax payable under Part I of the *Income Tax Act* ^{R.S.C. 1952} (Canada) for each taxation year by every individual resident ^{c. 148} in Ontario at any time in the year.

(2) Where an individual who is not taxable under sub-section 1 for a taxation year, ^{Non-residents employed or carrying on business in Ontario}

(a) was employed in Ontario at any time in the year; or

(b) carried on business in Ontario at any time in the year,

an income tax shall be paid as hereinafter required upon the tax payable under Part I of the *Income Tax Act* (Canada) for each taxation year. R.S.O. 1950, c. 175, s. 1.

2.—(1) The tax payable under this Part for each taxation ^{Rate} year designated is the amount resulting from applying the following percentages to the tax payable under section 32 of the *Income Tax Act* (Canada) for the same taxation year:

Taxation year	Rate
1962.....	16 per cent
1963.....	17 " "
1964.....	18 " "
1965.....	19 " "
1966.....	20 " "

Idem (2) The tax payable for each taxation year following the taxation year 1966 is 20 per cent of the tax payable under section 32 of the *Income Tax Act* (Canada) for the same taxation year.

R.S.C. 1952,
c. 148

Idem (3) For the purposes of subsections 1 and 2, the tax payable under section 32 of the *Income Tax Act* (Canada) means the tax otherwise payable under Part I of the *Income Tax Act* (Canada). R.S.O. 1950, c. 175, s. 2, *amended*.

DIVISION B—APPLICATION OF THE INCOME TAX ACT (CANADA)

Application of R.S.C. 1952, c. 148 3. For the purposes of this Act, all the provisions of the *Income Tax Act* (Canada) comprising,

- (a) Part I, except Divisions F, I and J;
- (b) Part VI;
- (c) Part VII; and
- (d) Part VIII,

affecting the tax payable under Part I of that Act by an individual taxable under this Act, as they from time to time apply, apply *mutatus mutandis* under this Act, except that in this Act the Treasurer and Comptroller shall exercise the powers and duties conferred and imposed upon the Minister and the Deputy Minister respectively under the *Income Tax Act* (Canada). R.S.O. 1950, c. 175, s. 3.

DIVISION C—RETURNS, ASSESSMENTS, PAYMENTS AND APPEALS

Returns 4.—(1) A return of the tax payable for each taxation year for which a tax is payable under this Act shall, without notice or demand therefor, be filed with the Comptroller in the prescribed form and containing the prescribed information,

Deceased persons

- (a) in the case of a taxpayer who has died without making the return, by his legal representative, within six months from the day of his death;

Trusts or estates

- (b) in the case of an estate or trust, within ninety days from the end of the year;

Individuals

- (c) in the case of any other taxpayer, on or before the 30th day of April, in the next year, by that individual or, if he is unable for any reason to file the return, by his guardian, curator, tutor, committee or other legal representative; or

- (d) in a case where no person described by clause *a*, *b* ^{Designated persons} or *c* has filed the return, by such person as is required by notice in writing from the Comptroller to file the return, within such reasonable time as the notice specifies.

(2) Whether or not he is liable to pay tax under this Part ^{Demand for returns} for a taxation year and whether or not a return has been filed under subsection 1 or 3, every person shall, on demand by registered letter from the Treasurer, file, within such reasonable time as may be stipulated in the registered letter, with the Comptroller in prescribed form and containing prescribed information a return of his tax for the taxation year designated in the letter.

(3) Every trustee in bankruptcy, assignee, liquidator, ^{Trustees, etc.} curator, receiver, trustee or committee and every agent or other person administering, managing, winding up, controlling or otherwise dealing with the property, business, estate or income of a taxpayer who has not filed a return for a taxation year as required by this section shall file a return in the prescribed form of the tax payable by that taxpayer for that year.

(4) Where a taxpayer who is a partner in or is a proprietor ^{Death of a partner or proprietor} of a business died after the close of a fiscal period but before the end of the calendar year in which the fiscal period closed, a separate return of the tax payable for the period following the close of the fiscal period to the time of death may be filed and, if such a separate return is filed, the tax payable under this Part with respect to the business of the taxpayer after the close of the fiscal period to the date of death shall be paid as if such tax were the tax payable by another taxpayer. R.S.O. 1950, c. 175, s. 4, *amended*.

5. Every taxpayer or person required by section 4 to file ^{Estimate of tax} a return shall in the return estimate the amount of tax payable. R.S.O. 1950, c. 175, s. 5, *amended*.

6.—(1) The Treasurer shall, with all due despatch, examine ^{Rules re assessments} each return and assess the tax for the taxation year and the interest and penalties, if any, payable.

(2) After examination of the return, the Treasurer shall ^{Idem} send a notice of assessment to the taxpayer or person by whom the return was filed.

(3) Liability for tax under this Part is not affected by an ^{Idem} incorrect or incomplete assessment or by the fact that no assessment has been made. R.S.O. 1950, c. 175, s. 6 (1-3).

Idem

(4) The Treasurer may at any time assess tax, interest or penalties under this Part or notify in writing any person by whom a return of tax payable for a taxation year has been filed that no tax is payable for the taxation year, and may,

(a) at any time, if the taxpayer or person filing the return,

(i) has made any misrepresentation or committed any fraud in filing the return or in supplying any information under this Act, or

(ii) has filed with the Treasurer a waiver in prescribed form within four years from the day of mailing of a notice of an original assessment or of a notification that no tax is payable for a taxation year; and

(b) within four years from the day referred to in sub-clause ii of clause a, in any other case,

re-assess or make additional assessments or assess tax, interest or penalties under this Part, as the circumstances require. R.S.O. 1950, c. 175, s. 6 (4), *amended*.

Idem

R.S.C. 1952,
o. 148

(5) Where a taxpayer has filed a return required by section 4 for a taxation year and, within one year from the day on or before which he was required by section 4 to file the return for that year, has filed an amended return for the year claiming a reduction in the tax payable for that year pursuant to a deduction from income under paragraph e of subsection 1 of section 27 of the *Income Tax Act* (Canada) in respect of a business loss sustained in the taxation year immediately following that year, the Treasurer shall re-assess the tax of the taxpayer for the year. *New*.

Idem

(6) The Treasurer is not bound by a return or information supplied by or on behalf of a taxpayer and, in making an assessment, may, notwithstanding a return or information so supplied or if no return has been filed, assess the tax payable under this Part.

Idem

(7) An assessment shall, subject to being varied or vacated on an objection or appeal under this Part and subject to re-assessment, be deemed to be valid and binding notwithstanding any error, defect or omission therein or in any proceeding under this Act relating thereto. R.S.O. 1950, c. 175, s. 6 (5, 6).

7.—(1) Every person paying,

Withholding
tax

- (a) salary or wages or other remuneration to an officer or employee;
- (b) superannuation or pension benefit;
- (c) a retiring allowance;
- (d) an amount upon or after the death of an officer or employee, in recognition of his service, to his legal representative or widow or to any other person whatsoever;
- (e) an amount as a benefit under a supplementary unemployment benefit plan;
- (f) an annuity payment; or
- (g) fees, commissions or other amounts for services,

at any time in a taxation year shall deduct or withhold therefrom such amount as is prescribed and shall, at such time as is prescribed, remit that amount to the Treasurer on account of the tax payable by the payee for the year under this Part. R.S.O. 1950, c. 175, s. 7 (1), *amended*.

(2) Where amounts have been deducted or withheld under this section from the remuneration received by a taxpayer in a taxation year, if the total of such amounts is equal to or greater than three-quarters of the tax payable under this Part for the year, he shall, on or before the 30th day of April in the next year, pay to the Treasurer the remainder of his tax for the year as estimated under section 5. R.S.O. 1950, c. 175, s. 7 (2). Payment of
remainder

(3) Where an amount has been deducted or withheld under subsection 1, it shall, for all the purposes of this Act, be deemed to have been received at that time by the person to whom the remuneration, benefit, payment, fees, commissions or other amounts were paid. Effect of
deduction

(4) Where an amount has been received by a broker or dealer in securities in the period of twelve months immediately preceding a taxation year as or in respect of dividends on shares, the beneficial ownership of which is unknown to him at the end of the taxation year, the broker or dealer shall remit an amount equal to $3\frac{1}{2}$ per cent thereof to the Treasurer at such time as is prescribed on account of the tax payable by the beneficial owner under this Part for the taxation year in which the dividend was received by the broker or dealer. Dividends
received
by brokers

Effect of deduction

(5) Where an amount has been remitted to the Treasurer under subsection 4, it shall for all the purposes of this Act be deemed,

- (a) to have been received by the beneficial owner of the dividends; and
- (b) to have been deducted or withheld from such amount as would otherwise be payable by the broker or dealer to the beneficial owner in respect of the dividends. *New.*

Farmers and fishermen

8. Every taxpayer, whose chief source of income is farming or fishing, shall pay to the Treasurer,

- (a) on or before the 31st day of December in each taxation year, two-thirds of the tax as estimated by him for the year or of the tax payable by him for the immediately preceding year; and
- (b) on or before the 30th day of April in the next year, the remainder of the tax as estimated under section 5. R.S.O. 1950, c. 175, s. 8, *amended.*

Other individuals

9. Every taxpayer, other than one to whom subsection 2 of section 7 or section 8 applies, shall pay to the Treasurer,

- (a) on or before the 31st day of March, the 30th day of June, the 30th day of September and the 31st day of December, respectively, in each taxation year, an amount equal to one-quarter of the tax as estimated by him for the year or of the tax payable by him for the immediately preceding year; and
- (b) on or before the 30th day of April in the next year, the remainder of the tax as estimated under section 5. R.S.O. 1950, c. 175, s. 9.

Payment of remainder

10.—(1) Every taxpayer shall, within thirty days from the day of the mailing of the notice of assessment, pay to the Treasurer the part, if any, of the assessed tax, interest and penalties then remaining unpaid, whether or not an objection to or appeal from the assessment is outstanding.

Idem

(2) Where, in the opinion of the Treasurer, a taxpayer is attempting to avoid payment of taxes, the Treasurer may direct that all taxes, penalties and interest be paid forthwith upon assessment. R.S.O. 1950, c. 175, s. 10, *amended.*

11.—(1) Every person required by section 4 to file a return of the tax payable by any other taxpayer for a taxation year shall, within thirty days of mailing of the notice of assessment, pay all taxes, penalties and interest payable by or in respect of that taxpayer to the extent that he has or had, at any time since the taxation year, in his possession or control property belonging to that taxpayer or his estate and shall thereupon be deemed to have made that payment on behalf of such taxpayer. R.S.O. 1950, c. 175, s. 11 (1). Payment on behalf of others

(2) Every assignee, liquidator, administrator, executor and other like person, other than a trustee in bankruptcy, before distributing any property under his control, shall obtain a certificate from the Treasurer certifying that taxes, interest or penalties that have been assessed under this Act and are chargeable against or payable out of the property have been paid or that security for the payment thereof has, in accordance with subsection 4 of section 24, been accepted by the Treasurer. R.S.O. 1950, c. 175, s. 11 (2), *amended*. Certificate before distribution

(3) Distribution of property without a certificate required by subsection 2 renders the person required to obtain the certificate personally liable for the unpaid taxes, interest and penalties. R.S.O. 1950, c. 175, s. 11 (3). Liability

12.—(1) Where a person has, on or after the 1st day of May, 1951, transferred property, either directly or indirectly, by means of a trust or by any other means whatsoever, Tax with respect to property transferred between husband and wife or to minors

(a) to his spouse or to a person who has since become his spouse; or

(b) to a person who was under nineteen years of age,

the transferee and the transferor are jointly and severally liable to pay a part of the tax of the transferor under this Part for each taxation year equal to the amount by which the tax for the year is greater than it would have been if it were not for the operation of section 21 or 22 of the *Income Tax Act* (Canada), as the case may be, in respect of income from the property so transferred or from property substituted therefor. R.S.C. 1952, c. 148

(2) The Treasurer may at any time assess a transferee in respect of any amount payable by virtue of this section and the provisions of this Division are applicable *mutatis mutandis* in respect of an assessment made under this section as though it had been made under section 6. Treasurer may assess transferee

Rules
applicable

(3) Where a transferor and a transferee have, by virtue of subsection 1, become jointly and severally liable in respect of part or all of a liability of the transferor under this Act, the following rules are applicable:

1. a payment by the transferee on account of his liability shall to the extent thereof discharge the joint liability; but
2. a payment by the transferor on account of his liability only discharges the liability of the transferee to the extent that the payment operates to reduce the liability of the transferor to an amount less than the amount in respect of which the transferee was, by virtue of subsection 1, made jointly and severally liable. *New.*

Interest,
general

13.—(1) Where the amount paid on account of tax payable by a taxpayer under this Part for a taxation year before the expiration of the time allowed for filing the return of the taxpayer is less than the amount of tax payable for the year under this Part, such taxpayer shall pay interest on the difference between those two amounts from the expiration of the time for filing the return to the day of payment at the rate of 6 per cent per annum.

Interest on
instalments

(2) In addition to the interest payable under subsection 1, where a taxpayer, being required by this Part to pay a part or instalment of tax, has failed to pay all or any part thereof as required, he shall, on payment of the amount he failed to pay, pay interest at the rate of 6 per cent per annum from the day on or before which he was required to make the payment to the day of payment or the beginning of the period in respect of which he becomes liable to pay interest thereon under subsection 1, whichever is earlier.

Limitation

(3) For the purposes of subsection 2, where a taxpayer is required to pay a part or instalment of tax for a taxation year as estimated by him for a preceding year or for the taxation year, he shall be deemed to have been liable to pay a part or instalment computed by reference to the tax payable,

(a) for the preceding year; or

(b) for the taxation year,

whichever is the lesser.

Participation
certificates

(4) Notwithstanding any other provision in this section, no interest is payable in respect of the amount by which the

tax payable by a taxpayer is increased by a payment made by the Canadian Wheat Board on a participation certificate previously issued to him until thirty days after the payment is made. R.S.O. 1950, c. 175, s. 12 (1-4).

(5) Where the income of a taxpayer, as calculated under Part I of the *Income Tax Act* (Canada) for a taxation year or part thereof, is from sources in another country and the taxpayer by reason of monetary or exchange restrictions imposed by the law of that country is unable to transfer it to Canada, the Treasurer may, if he is satisfied that payment as required by this Part of the whole of the additional tax under this Part for the year reasonably attributable to income from sources in that country would impose extreme hardship on the taxpayer, postpone the time for payment of the whole or a part of that additional tax for a period to be determined by the Treasurer, but no such postponement may be granted if any of the income for the year as calculated under Part I of the *Income Tax Act* (Canada) from sources in that country has been,

Income of
resident
from foreign
country in
blocked
currency
R.S.C. 1952,
c. 148

- (a) transferred to Canada;
- (b) used by the taxpayer for any purpose whatsoever, other than payment of income tax to the government of that other country on income from sources therein; or
- (c) disposed of by him,

and no interest is payable under this section in respect of that additional tax, or part thereof, during the period of postponement.

(6) Where a taxpayer is entitled to deduct under section 27 of the *Income Tax Act* (Canada) in computing his taxable income under that Act for a taxation year an amount in respect of a loss sustained in the taxation year immediately following the taxation year, hereinafter in this subsection referred to as "the loss year", for the purpose of computing interest under subsection 1 or 2 on tax or a part or an instalment of tax for the taxation year for any portion of the period in respect of which the interest is payable on or before the last day of the loss year, the tax payable for the taxation year shall be deemed to be the amount that it would have been is the taxpayer were not entitled to deduct any amount under section 27 of the *Income Tax Act* (Canada) in respect of that loss. *New.*

Effect of
carry-back
of loss

Penalties,
delay in
making
returns

14.—(1) Every taxpayer who has failed to make a return as and when required by subsection 1 of section 4 is liable to a penalty of,

- (a) an amount equal to 5 per cent of the tax that was unpaid when the return was required to be filed, if the tax payable under this Part that was unpaid at that time was less than \$10,000; and
- (b) \$500, if, at the time the return was required to be filed, tax payable under this Part equal to \$10,000 or more was unpaid.

Idem

(2) Every person who has failed to file a return as required by subsection 3 of section 4 is liable to a penalty of \$10 for each day of default but not exceeding \$50. R.S.O. 1950, c. 175, s. 13 (1, 2).

Failure to
complete
information

(3) Every person who has failed to complete the information on a prescribed form as required by or pursuant to section 4 is liable to a penalty of 1 per cent of the tax payable under this Part or of such lesser amount as the Treasurer may have fixed in respect of the specific failure. R.S.O. 1950, c. 175, s. 13 (3), *amended*.

Evasion
of tax

15.—(1) Every taxpayer who has wilfully, in any manner, evaded or attempted to evade payment of the tax payable by him under this Part for a taxation year or any part thereof is liable to a penalty, to be fixed by the Treasurer, of not less than 25 per cent and not more than 50 per cent of the amount of the tax evaded or sought to be evaded.

Statements
or omissions
in returns

(2) Every person who, knowingly or under circumstances amounting to gross negligence in the carrying out of any duty or obligation imposed by or under this Act, has made, or has participated in, assented to or acquiesced in the making of, a statement or omission in a return, certificate, statement or answer filed or made as required by or under this Act or a regulation, as a result of which the tax that would have been payable by him for a taxation year if the tax had been assessed on the basis of the information provided in the return, certificate, statement or answer is less than the tax payable by him for the year, is liable to a penalty of 25 per cent of the amount by which the tax that would have been so payable is less than the tax payable by him for the year.

Limitation

(3) Where a person is liable to a penalty under subsection 2 in respect of any statement or omission in a return, certificate, statement or answer filed or made as required by or under this Act or a regulation, he is not liable to any penalty under subsection 1 in respect of the same statement or omission.
New.

16.—(1) If the return of the tax payable by a taxpayer ^{Refunds} for a taxation year has been made within four years of the end of the year, the Treasurer,

- (a) may, upon mailing the notice of assessment for the year, refund, without application therefor, any overpayment made on account of the tax; and
- (b) shall make such a refund after mailing the notice of assessment if application therefor has been made in writing by the taxpayer within four years from the end of the year. R.S.O. 1950, c. 175, s. 14 (1), *amended*.

(2) Instead of making a refund that might otherwise be made under this section, the Treasurer may, where the tax-^{Application to other taxes} payer is liable or about to become liable to make another payment under this Act, apply the amount of the overpayment to that other liability and notify the taxpayer of such action. R.S.O. 1950, c. 175, s. 14 (2).

(3) Where an amount in respect of an overpayment is refunded or applied under this section on other liability,^{Interest on over-payments} interest at the rate of 3 per cent per annum shall be paid or applied thereon for the period commencing with the latest of,

- (a) the day when the overpayment arose;
- (b) the day on or before which the return for the taxation year in respect of which the tax was paid was required to be filed; or
- (c) the day when the return for the taxation year was actually filed,

and ending with the day of refunding or application aforesaid, unless the amount of the interest so calculated is less than \$1, in which event no interest shall be paid or applied under this subsection. R.S.O. 1950, c. 175, s. 14 (3), *amended*.

(4) Where, by a decision of the Treasurer under section 17 ^{Idem} or by a decision of the Supreme Court of Ontario under section 20, it is finally determined that the tax payable by a taxpayer for a taxation year under this Part is less than the amount assessed by the assessment under section 6 to which the objection was made or from which the appeal was taken, and the decision makes it appear that there has been an overpayment for the taxation year, the interest payable under subsection 3 on that overpayment shall be computed at 6 per cent instead of 3 per cent. *New*.

Interpre-
tation

(5) For the purpose of this section, "overpayment" means the aggregate of all amounts paid on account of tax minus all amounts payable under this Act or an amount so paid where no amount is so payable. R.S.O. 1950, c. 175, s. 14 (4).

Effect of
carry-back
of loss
R.S.C. 1952,
c. 148

(6) Where a taxpayer is entitled to deduct under section 27 of the *Income Tax Act* (Canada), in computing his taxable income under that Act for a taxation year, an amount in respect of a loss sustained in the taxation year immediately following the taxation year, hereinafter in this subsection referred to as "the loss year", and the amount of the tax payable for the taxation year is relevant in determining an overpayment for the purpose of computing interest under subsection 3 for any portion of a period ending on or before the last day of the loss year, the tax payable for the taxation year shall be deemed to be the amount that it would have been if the taxpayer were not entitled to deduct any amount under section 27 of the *Income Tax Act* (Canada) in respect of that loss. *New.*

Notice of
objection

17.—(1) A taxpayer who objects to an assessment under this Act may, within ninety days from the day of mailing of the notice of assessment, serve on the Treasurer a notice of objection in duplicate in the prescribed form setting out the reasons for the objection and all relevant facts.

Service

(2) A notice of objection under this section shall be served by being sent by registered mail addressed to the Comptroller. R.S.O. 1950, c. 175, s. 15 (1, 2), *amended.*

Recon-
sideration

(3) Upon receipt of the notice of objection, the Treasurer shall with all due despatch reconsider the assessment and vacate, confirm or vary the assessment or re-assess and he shall thereupon notify the taxpayer of his action by registered mail. R.S.O. 1950, c. 175, s. 15 (3).

Idem

(4) A re-assessment made by the Treasurer pursuant to subsection 3 is not invalid by reason only of not having been made within four years from the day of mailing of a notice of an original assessment or a notification described in subsection 4 of section 6. *New.*

DIVISION D—APPEALS TO THE SUPREME COURT OF ONTARIO

Appeal

18.—(1) Where a taxpayer has served notice of objection to an assessment under section 17, he may appeal to the Supreme Court to have the assessment vacated or varied after either,

- (a) the Treasurer has confirmed the assessment or re-assessed; or

- (b) 180 days have elapsed after service of the notice of objection and the Treasurer has not notified the taxpayer that he has vacated or confirmed the assessment or re-assessed,

but no appeal under this section may be instituted after the expiration of ninety days from the day notice has been mailed to the taxpayer under section 17 that the Treasurer has confirmed the assessment or re-assessed. R.S.O. 1950, c. 175, s. 16, *amended*.

(2) An appeal to the Supreme Court shall be instituted by serving on the Treasurer a notice of appeal in duplicate in the prescribed form and by filing a copy thereof with the Registrar of the Supreme Court or the local registrar of the Supreme Court for the county or district in which the taxpayer appealing resides. R.S.O. 1950, c. 175, s. 23 (1), *amended*. Appeals, how instituted

(3) A notice of appeal shall be served upon the Treasurer by being sent by registered mail addressed to the Comptroller. R.S.O. 1950, c. 175, s. 23 (2). Notice of appeal

(4) The taxpayer appealing shall set out in the notice of appeal a statement of the allegations of fact, the statutory provisions and the reasons that he intends to submit in supporting his appeal. Statement of allegations

(5) An appeal by a taxpayer and all proceedings thereunder are, upon the expiration of sixty days from the day the appeal is instituted, null and void unless security for the costs of the appeal has been, within the said period, paid into court in the sum of \$400 or such other sum as the Treasurer requires, and, upon an appeal becoming null and void by virtue of this subsection, no other appeal or proceedings shall be instituted in respect of the same decision. Security for costs

(6) Where security has been given under subsection 5, notice thereof shall be served on the Treasurer specifying the fact and the purpose of the payment. R.S.O. 1950, c. 175, s. 32 (3-5), *amended*. Idem

19.—(1) The Treasurer shall, with all due despatch, serve on the taxpayer appealing and file in the court a reply to the notice of appeal admitting or denying the facts alleged and containing a statement of such further allegations of fact and of such statutory provisions and reasons as the Treasurer intends to rely on. Reply to notice of appeal

Amendment
of notice of
appeal

(2) The court or a judge may in its or his discretion strike out a notice of appeal or any part thereof for failure to comply with subsection 4 of section 18 and may permit an amendment to be made to a notice of appeal or a new notice of appeal to be substituted for the one struck out. R.S.O. 1950, c. 175, s. 33 (1, 2), *amended*.

Amendment
to reply

(3) The court or a judge may in its or his discretion,

(a) strike out any part of a reply for failure to comply with subsection 1 or permit the amendment of a reply; or

(b) strike out a reply for failure to comply with this section and order a new reply to be filed within a time to be fixed by the order.

Failure
to comply

(4) Where a notice of appeal is struck out for failure to comply with subsection 4 of section 18 and a new notice of appeal is not filed as and when permitted by the court or a judge, the court or a judge thereof may, in its or his discretion, dispose of the appeal by dismissing it.

Idem

(5) Where a reply is not filed as required by this section or is struck out under this section and a new reply is not filed as ordered by the court or a judge within the time ordered, the court may dispose of the appeal *ex parte* or after a hearing on the basis that the allegations of fact contained in the notice of appeal are true. R.S.O. 1950, c. 175, s. 33 (3-5).

Matter
deemed
action

20.—(1) Upon the filing of the material referred to in sections 18 and 19 with the Registrar of the Supreme Court or the local registrar of the Supreme Court for the county or district in which the taxpayer appealing resides, the matter shall be deemed to be an action in the court and, unless the court otherwise orders, ready for hearing. R.S.O. 1950, c. 175, s. 34 (2), *amended*.

Facts not
set out may
be pleaded

(2) Any fact or statutory provision not set out in the notice of appeal or reply may be pleaded or referred to in such manner and upon such terms as the court directs. R.S.O. 1950, c. 175, s. 34 (3).

Disposal
of appeal

(3) The court may dispose of the appeal by,

(a) dismissing it;

(b) allowing it; or

(c) allowing it, and

- (i) vacating the assessment,
- (ii) varying the assessment,
- (iii) restoring the assessment, or
- (iv) referring the assessment back to the Treasurer for reconsideration and re-assessment. R.S.O. 1950, c. 175, s. 34 (4), *amended*.

(4) The court may in delivering judgment disposing of an appeal order payment or refund of tax, interest, penalties or costs by the taxpayer or the Treasurer, as the case may be. ^{Court may order payment of tax, etc.} R.S.O. 1950, c. 175, s. 35, *amended*.

21. Proceedings under this Division shall be held *in camera* upon request made to the court by the taxpayer appealing or by the Treasurer. ^{Proceedings in camera} R.S.O. 1950, c. 175, s. 36, *amended*.

22. The practice and procedure of the Supreme Court, including the right of appeal and the practice and procedure relating to appeals, apply to every matter deemed to be an action under section 20, and every judgment and order given or made in every such action may be enforced in the same manner and by the like process as a judgment or order given or made in an action commenced in the court. ^{Supreme Court practice to govern} R.S.O. 1950, c. 175, s. 37, *amended*.

23. An assessment shall not be vacated or varied on appeal by reason only of any irregularity, informality, omission or error on the part of any person in the observation of any directory provision of this Act. ^{Irregularities} R.S.O. 1950, c. 175, s. 18.

PART II

ADMINISTRATION AND ENFORCEMENT

24.—(1) The Treasurer shall administer and enforce this Act and control and supervise all persons employed to carry out or enforce this Act and the Comptroller may exercise all the powers and perform the duties of the Treasurer under this Act. ^{Treasurer's duty}

(2) The Treasurer may at any time extend the time for making a return under this Act. ^{Extensions for returns}

(3) The Treasurer may, if he considers it advisable in a particular case, accept security for payment of taxes by way of mortgage or other charge of any kind whatsoever on pro-

perty of the taxpayer or any other person or by way of guarantee from other persons. R.S.O. 1950, c. 175, s. 39 (1, 3, 4).

Regulations

25. The Lieutenant Governor in Council may make regulations,

- (a) prescribing anything that, by this Act, is to be prescribed, determined or regulated by regulations;
- (b) prescribing the evidence required to establish facts relevant to assessments under this Act;
- (c) to facilitate the assessment of tax where deductions or exemptions of a taxpayer have changed in a taxation year;
- (d) requiring any class of persons to make information returns respecting any class of information required in connection with assessments under this Act; R.S.O. 1950, c. 175, s. 40, cls. (a-d).
- (e) requiring a person who is, by a regulation made under clause d, required to make an information return to supply a copy of the information return or a prescribed portion thereof to the person or persons in respect of the taxes payable by such person or persons to which the information return or portion thereof relates; *New*.
- (f) authorizing a designated officer or class of officers to exercise powers or perform duties of the Treasurer or the Comptroller under this Act; R.S.O. 1950, c. 175, s. 40, cl. (e).
- (g) providing for the retention by way of deduction or set-off of the amount of tax payable by a taxpayer under this Act out of any amount or amounts that may be or become payable by Her Majesty in right of Ontario to him in respect of salary or wages; *New*.
- (h) requiring every person or every member of any group or class of persons ceasing to be a resident of Ontario to make application to the Treasurer for a certificate that there are not outstanding any assessed taxes, interest or penalties payable under this Act and that he is not in default in filing any return required by or under this Act;
- (i) defining the classes of persons who may be regarded as dependent for the purposes of this Act; R.S.O. 1950, c. 175, s. 40, cls. (g, h).

(j) defining the classes of non-resident persons who may be regarded for the purposes of this Act,

(i) as a spouse supported by a taxpayer, or

(ii) as a person dependent or wholly dependent upon a taxpayer for support,

and specifying the evidence required to establish that a person belongs to any such class; and *New.*

(k) generally to carry out the purposes and provisions of this Act. R.S.O. 1950, c. 175, s. 40, cl. (i).

26. All taxes, interest and penalties, costs and other amounts payable under this Act are debts due to Her Majesty ^{Debts to Her Majesty} for the uses of Ontario and are recoverable in any court of competent jurisdiction or in any other manner provided by this Act. R.S.O. 1950, c. 175, s. 41, *amended.*

27.—(1) Where the Treasurer has knowledge or suspects ^{Garnishment} that a person is or is about to become indebted or liable to make any payment to a taxpayer liable to make a payment under this Act, he may, by registered letter or by a letter served personally, require him to pay the moneys otherwise payable to that taxpayer in whole or in part to the Treasurer on account of the liability under this Act. R.S.O. 1950, c. 175, s. 43 (1), *amended.*

(2) The receipt of the Treasurer for moneys paid as required ^{Idem} under this section is a good and sufficient discharge of the original liability to the extent of the payment. R.S.O. 1950, c. 175, s. 43 (2).

(3) Where the Treasurer has, under this section, required ^{Idem} an employer to pay to the Treasurer on account of a liability of an employee under this Act moneys otherwise payable by the employer to the employee as remuneration, the requirement is applicable to all future payments by the employer to the employee in respect of remuneration until the liability under this Act is satisfied and operates to require payments to the Treasurer out of each payment of remuneration of such amount as is stipulated by the Treasurer in the registered letter. R.S.O. 1950, c. 175, s. 43 (3), *amended.*

(4) Every person who has discharged any liability to a taxpayer liable to make a payment under this Act without ^{Liability of debtor} complying with a requirement under this section is liable to pay Her Majesty in right of Ontario an amount equal to the

liability discharged or the amount that he was required under this section to pay to the Treasurer, whichever is the lesser. R.S.O. 1950, c. 175, s. 43 (4).

Service of
garnishee

(5) Where a person who is or is about to become indebted or liable to make a payment to a taxpayer liable to make a payment under this Act carries on business under a name or style other than his own name, the registered or other letter under subsection 1 may be addressed to the name or style under which he carries on business and, in the case of personal service, shall be deemed to have been validly served if it has been left with an adult person employed at the place of business of the addressee.

Idem

(6) Where the persons who are or are about to become indebted or liable to make a payment to a taxpayer liable to make a payment under this Act carry on business in partnership, the registered or other letter under subsection 1 may be addressed to the partnership name and, in the case of personal service, shall be deemed to have been validly served if it has been served on one of the partners or left with an adult person employed at the place of business of the partnership. *New.*

Recovery
of tax,
interest and
penalties

28.—(1) Upon default of payment by a taxpayer of any tax, interest or penalty or any of them imposed upon him by this Act,

(a) the Treasurer may bring an action for the recovery thereof in any court in which a debt or money demand of a similar amount may be collected, and every such action shall be brought and executed in and by the name of the Treasurer or his name of office and may be continued by his successor in office as if no change had occurred, and shall be tried without a jury;

(b) the Treasurer may issue a warrant, directed to the sheriff of any county or district in which any property of the taxpayer is located or situate, for the amount of the tax, interest and penalty or any of them owing by the taxpayer, together with interest thereon from the date of the issue of the warrant and the costs, expenses and poundage of the sheriff, and such warrant has the same force and effect as a writ of execution issued out of the Supreme Court.

Compliance
of Treasurer
to be proved
by affidavit

(2) For the purpose of any proceeding taken under this Act, the facts necessary to establish compliance on the part of the Treasurer with this Part as well as the failure of any person, partnership, syndicate, trust or corporation to comply with the requirements of this Part shall, unless evidence to the

contrary satisfactory to the court is adduced, be sufficiently proven in any court of law by affidavit of the Treasurer or of any officer of the Treasury Department. *New.*

29. The use of any of the remedies provided by sections 27 and 28 does not bar or affect any of the other remedies therein provided, and the remedies provided by this Act for the recovery or enforcement of the payment of any tax, interest and penalty or any of them imposed by this Act are in addition to any other remedies existing by law, and no action or other proceeding taken in any way prejudices, limits or affects any lien, charge or priority existing under this Act or otherwise. *New.*

Remedies for recovery of tax and penalty

30.—(1) Where the Treasurer suspects that the taxpayer is about to leave Ontario, he may before the day otherwise fixed for payment, by notice served personally or by registered letter addressed to the taxpayer, demand payment of all taxes, interest and penalties for which the taxpayer is liable or would be liable if the time for payment had arrived, and the same shall be paid forthwith notwithstanding any other provision of this Act. R.S.O. 1950, c. 175, s. 45 (1).

Taxpayer leaving Ontario or defaulting

(2) Where a person has failed to pay tax, interest or penalties demanded under this section as required, sections 27 and 28 are thereupon applicable *mutatis mutandis*. R.S.O. 1950, c. 175, s. 45 (2), *amended*.

Idem

31.—(1) No action lies against any person for withholding or deducting any sum of money in compliance or intended compliance with this Act.

Withholding taxes

(2) Every person whose employer is required to deduct or withhold any amount from his remuneration under section 7 shall, from time to time as prescribed, file a return with his employer in the prescribed form.

Idem

(3) Every person failing to file a form as required by subsection 2 is liable to have the deduction or withholding from his salary or wages under section 7 made as though he were an unmarried person without dependants.

Idem

(4) Every person who deducts or withholds an amount under this Act shall be deemed to hold the amount so deducted or withheld in trust for Her Majesty in right of Ontario. R.S.O. 1950, c. 175, s. 46 (1-4).

Idem

(5) All amounts deducted or withheld by a person under this Act shall be kept separate and apart from his own moneys, and, in the event of any liquidation, assignment or bankruptcy,

Idem

such amounts shall remain apart and form no part of the estate in liquidation, assignment or bankruptcy. R.S.O. 1950, c. 175, s. 46 (5), *amended*.

Idem

(6) Where a person on whose behalf an amount has been paid to the Treasurer after having been deducted or withheld under this Act was not liable to pay any tax under this Act or where the amount so paid to the Treasurer on his behalf is in excess of the tax that he was liable to pay, the Treasurer shall, upon application in writing made within two years from the end of the calendar year in which the amount was paid, pay to him the amount so paid or such part thereof as he was not liable to pay, unless he is otherwise liable or about to become liable to make a payment under this Act, in which case the Treasurer may apply the amount otherwise payable under this subsection to that payment and notify him of that fact.

Idem

(7) Any person who has failed to deduct or withhold any amount as required by this Act or a regulation is liable to pay to Her Majesty in right of Ontario,

(a) if the amount should have been deducted or withheld under subsection 1 of section 7 from an amount that has been paid to a person resident in Ontario, 10 per cent of the amount that should have been deducted or withheld; and

(b) in any other case, the whole amount that should have been deducted or withheld,

together with interest thereon at the rate of 10 per cent per annum.

Idem

(8) Every person who has failed to remit or pay an amount deducted or withheld as required by this Act or a regulation is liable to a penalty of 10 per cent of that amount or \$10, whichever is the greater, in addition to the amount itself, together with interest on the amount at the rate of 10 per cent per annum.

Idem

(9) The Treasurer may assess any person for any amount that has been deducted or withheld under this Act or a regulation or that is payable under this section and, upon his sending a notice of assessment to that person, Division C of Part I is applicable *mutatis mutandis*. R.S.O. 1950, c. 175, s. 46 (7-10).

Idem

(10) The provisions of this Act that require a person to deduct or withhold an amount in respect of taxes from

amounts payable to a taxpayer are applicable to Her Majesty in right of Canada or a province. R.S.O. 1950, c. 175, s. 46 (11), *amended*.

(11) Where this Act requires an amount to be deducted or withheld, an agreement by the person on whom that obligation is imposed not to deduct or withhold is void. Idem

(12) The receipt of the Treasurer for an amount withheld or deducted by any person as required by or under this Act is a good and sufficient discharge of the liability of any debtor to his creditor with respect thereto to the extent of the amount referred to in the receipt. R.S.O. 1950, c. 175, s. 46 (12, 13). Idem

32.—(1) Every taxpayer carrying on business and every person who is required, by or pursuant to this Act, to pay or collect taxes or other amounts shall keep records and books of account, including an annual inventory kept in the prescribed manner, at his place of business or residence in Ontario or at such other place as is designated by the Treasurer, in such form and containing such information as will enable the taxes payable under this Act or the taxes or other amounts that should have been deducted, withheld or collected to be determined. Books and records

(2) Where a person has failed to keep adequate records and books of account for the purposes of this Act, the Treasurer may require him to keep such records and books of account as he specifies and that person shall thereafter keep records and books of account as so required. R.S.O. 1950, c. 175, s. 47 (1, 2), *amended*. Idem

(3) Every person required by this section to keep records and books of account shall, until written permission for their disposal is obtained from the Treasurer, retain every such record or book of account and every account or voucher necessary to verify the information in any such record or book of account. R.S.O. 1950, c. 175, s. 47 (3). Idem

33.—(1) Any person thereunto authorized by the Treasurer for any purpose related to the administration or enforcement of this Act may, at all reasonable times, enter into any premises or place where any business is carried on or any property is kept or anything is done in connection with any business or any books or records are, or should be, kept pursuant to this Act, and, Investigations

(a) audit or examine the books and records and any account, voucher, letter, telegram or other document

that relates or may relate to the information that is or should be in the books or records or the amount of tax payable under this Act;

- (b) examine property described by an inventory or any property, process or matter an examination of which may, in his opinion, assist him in determining the accuracy of an inventory or in ascertaining the information that is or should be in the books or records or the amount of any tax payable under this Act;
- (c) require the owner or manager of the property or business and any other person on the premises or place to give him all reasonable assistance with his audit or examination and to answer all proper questions relating to the audit or examination either orally or, if he so requires, in writing, on oath or by statutory declaration, and, for that purpose, require the owner or manager to attend at the premises or place with him; and
- (d) if, during the course of an audit or examination, it appears to him that there has been a violation of this Act or a regulation, seize and take away any of the records, books, accounts, vouchers, letters, telegrams and other documents and retain them until they are produced in any court proceedings.

Idem

(2) The Treasurer may, for any purpose related to the administration or enforcement of this Act, by registered letter or by a demand served personally, require from any person,

- (a) any information or additional information, or a return as required by section 4 or a supplementary return; or
- (b) production, or production on oath, of any books, letters, accounts, invoices, statements, financial or otherwise, or other documents,

within such reasonable time as is stipulated therein. R.S.O. 1950, c. 175, s. 48 (1, 2).

Idem

(3) The Treasurer may, for any purpose related to the administration or enforcement of this Act, by registered letter or by a demand served personally, require from any person, partnership, syndicate, trust or corporation holding or paying or liable to pay any portion of the income of a taxpayer, or from any partner, agent or official or any such person, partnership, syndicate, trust or corporation, production, or production

on oath, of any books, letters, accounts, invoices, statements, financial or otherwise, or other documents, within such reasonable time as is stipulated therein. *New.*

(4) The Treasurer may, for any purpose related to the administration or enforcement of this Act, with the approval of a judge of the Supreme Court, which approval the judge is hereby empowered to give upon *ex parte* application, authorize in writing any officer of the Office of the Comptroller of Revenue, together with such members of the provincial police or other peace officers as he calls on to assist him and such other persons as are named therein, to enter and search, if necessary by force, any building, receptacle or place for documents, books, records, papers or things that may afford evidence as to the violation of any provision of this Act or the regulations and to seize and take away any such documents, books, records, papers or things and retain them until they are produced in any court proceedings. R.S.O. 1950, c. 175, s. 48 (3), *amended.* Idem

(5) The Treasurer may, by registered letter or by a demand served personally, require the production, under oath or otherwise, by any person, partnership, syndicate, trust or corporation, or by his or its agent or officers, of any letters, accounts, invoices, statements, financial or otherwise, books or other documents in the possession or in the control of such person, partnership, syndicate, trust or corporation, or of his or its agent or officer, for the purpose of determining what tax, if any, is payable under this Act by any taxpayer, and production thereof shall be made within such reasonable time as is stipulated in such registered letter or demand. *New.* Production of evidence to prove tax payable by another person

(6) The Treasurer may, for any purpose related to the administration or enforcement of this Act, authorize any person, whether or not he is an officer of the Office of the Comptroller of Revenue, to make such inquiry as he deems necessary with reference to anything relating to the administration or enforcement of this Act. Inquiry

(7) Where a book, record or other document has been seized, examined or produced under this section, the person by whom it is seized or examined or to whom it is produced or any officer of the Office of the Comptroller of Revenue may make, or cause to be made, one or more copies thereof, and a document purporting to be certified by the Treasurer or a person thereunto authorized by the Treasurer to be a copy made pursuant to this section is admissible in evidence and has the same probative force as the original document would have had if it had been proven in the ordinary way. R.S.O. 1950, c. 175, s. 48 (4, 5), *amended.* Copies

- Compliance** (8) No person shall hinder or molest or interfere with any person doing anything that he is authorized by this section to do, or prevent or attempt to prevent any person doing any such thing. R.S.O. 1950, c. 175 s. 48 (6), *part.*
- Idem** (9) Notwithstanding any other law to the contrary, every person shall, unless he is unable to do so, do everything he is required by this section to do. R.S.O. 1950, c. 175, s. 48 (6), *part.*
- Powers** (10) For the purpose of an inquiry authorized under subsection 6, the person authorized to make the inquiry has all the powers and authority that may be conferred upon a commissioner appointed under *The Public Inquiries Act*. R.S.O. 1950, c. 175, s. 48 (7).
- R.S.O. 1960, c. 323**
- Information returns** **34.** Whether or not he has filed an information return as required by a regulation made under clause *d* of subsection 1 of section 25, every person shall, on demand by registered letter from the Treasurer, file with the Treasurer, within such reasonable time as may be stipulated in the registered letter, such prescribed information return as is designated in the letter. *New.*
- Ownership certificates** **35.**—(1) Before a bearer coupon or warrant representing either interest or dividends payable by any debtor or cheque representing dividends or interest payable by a non-resident debtor is negotiated by or on behalf of a resident of Ontario, there shall be completed by or on behalf of the resident an ownership certificate in the prescribed form.
- Idem** (2) An ownership certificate completed pursuant to subsection 1 shall be delivered in such manner, at such time and at such place as may be prescribed, and a person who has failed to do so is liable on summary conviction to a fine of not less than \$10 and not more than \$100.
- Idem** (3) A person who has failed to complete an ownership certificate as required by or under this Act, and a debtor or other person who has cashed a coupon or warrant for which an ownership certificate has not been completed, is liable on summary conviction to a fine of not less than \$10 and not more than \$100. R.S.O. 1950, c. 175, s. 49.
- Penalty for failure to make returns** **36.**—(1) Every person who has failed to make a return as and when required by a regulation under section 25 or by subsection 2 of section 31 is liable to a penalty of \$10 a day for each day of default but not exceeding in all \$2,500. R.S.O. 1950, c. 175, s. 50.

(2) Every person who fails to comply with a regulation ^{Idem} made under clause *e* of subsection 1 of section 25 is liable to a penalty of \$10 a day for each day of default, but not exceeding in all \$2,500. *New.*

37. A return, certificate or other document made by a corporation pursuant to this Act or a regulation shall be signed ^{Execution of documents by corporations} on its behalf by the president, secretary or treasurer of the corporation or by any other officer or person thereunto duly authorized by the board of directors or other governing body of the corporation. R.S.O. 1950, c. 175, s. 51.

38.—(1) Every person who has failed to file a return as ^{Offences} and when required by or under this Act or a regulation is guilty of an offence and, in addition to any penalty otherwise provided, is liable on summary conviction to a fine of not less than \$25 for each day of default.

(2) Every person who has failed to comply with or has con- ^{Idem} travened subsection 1 of section 7, subsection 5 of section 31, section 32 or section 33 is guilty of an offence and, in addition to any penalty otherwise provided, is liable on summary conviction to,

- (a) a fine of not less than \$200 and not more than \$10,000; or
- (b) both the fine prescribed in clause *a* and imprisonment for a term not exceeding six months.

(3) Where a person has been convicted under this section ^{Saving} of failing to comply with the provisions of this Act or a regulation, he is not liable to pay a penalty imposed under section 14, section 31 or section 36 for the same failure unless he was assessed for that penalty or that penalty was demanded from him before the information or complaint giving rise to the conviction was laid or made. R.S.O. 1950, c. 175, s. 52.

39.—(1) Every person who has,

^{False statements}

- (a) made, or participated in, assented to or acquiesced in the making of, false or deceptive statements in a return, certificate, statement or answer, filed or made as required by or under this Act or a regulation;
- (b) to evade payment of a tax imposed by this Act, destroyed, altered, mutilated, secreted or otherwise disposed of the records or books of account of a taxpayer;

- (c) made, or assented to or acquiesced in the making of, false or deceptive entries or omitted, or assented to or acquiesced in the omission, to enter a material particular in records or books of account of a taxpayer;
- (d) wilfully, in any manner, evaded or attempted to evade compliance with this Act or payment of taxes imposed by this Act; or
- (e) conspired with any person to commit any offence described in clauses *a* to *d*,

is guilty of an offence and, in addition to any penalty otherwise provided, is liable on summary conviction to,

- (f) a fine of not less than \$25 and not more than \$10,000 plus, in an appropriate case, an amount not exceeding double the amount of the tax that should have been shown to be payable or that was sought to be evaded; or
- (g) both the fine prescribed in clause *f* and imprisonment for a term of not more than two years. R.S.O. 1950, c. 175, s. 53 (1).

Idem

(2) Every person who is charged with an offence described in subsection 1 may, at the election of the Attorney General, be prosecuted upon indictment and, if convicted, is, in addition to any penalty otherwise provided, liable to imprisonment for a term of not less than two months and not more than five years. R.S.O. 1950, c. 175, s. 53 (2), *amended*.

Penalty upon conviction

(3) Where a person has been convicted under this section of wilfully, in any manner, evading or attempting to evade payment of taxes imposed by this Act, he is not liable to pay a penalty imposed under subsection 1 of section 15 for the same evasion or attempt unless he was assessed for that penalty before the information or complaint giving rise to the conviction was laid or made. *New*.

Communication of information

40. Every person who, while employed in the service of Her Majesty, has communicated or allowed to be communicated to a person not legally entitled thereto any information obtained under this Act or has allowed any such person to inspect or have access to any written statement furnished under this Act is guilty of an offence and is liable on summary conviction to a fine of not more than \$200. R.S.O. 1950, c. 175, s. 54, *amended*.

41. Where a corporation is guilty of an offence under this Act, an officer, director or agent of the corporation who directed, authorized, assented to, acquiesced in, or participated in, the commission of the offence is a party to and guilty of the offence and is liable on summary conviction to the punishment provided for the offence whether or not the corporation has been prosecuted or convicted. R.S.O. 1950, c. 175, s. 55. Officers, etc., of corporations

42. Notwithstanding any other statute or law in force at the commencement of this Act, the court has, in any prosecution or proceeding under this Act, no power to impose less than the minimum fine or imprisonment fixed by this Act and the court has no power to suspend sentence. R.S.O. 1950, c. 175, s. 56. No decrease in punishment

43.—(1) An information under this Act may be laid by any officer of the Treasury Department or by any person thereunto authorized by the Treasurer and, where an information purports to have been laid under this Act, it shall be deemed to have been laid by a person thereunto authorized by the Treasurer and shall not be called in question for lack of authority of the informant except by the Treasurer or by some person acting for him or for Her Majesty. Information or complaint

(2) An information in respect of an offence under this Act may be for one or more than one offence and no information, warrant, conviction or other proceeding in a prosecution under this Act is objectionable or insufficient by reason of the fact that it relates to two or more offences. Two or more offences

(3) An information in respect of an offence under this Act may be heard, tried or determined by any magistrate if the accused is resident, carrying on business, found or apprehended or is in custody within his jurisdiction although the matter of the information did not arise within his jurisdiction. Jurisdiction

(4) An information under the *Criminal Code* (Canada) in respect of an offence under this Act may be laid on or before a day five years from the time when the matter of the information arose or within one year from the day on which evidence, sufficient in the opinion of the Treasurer to justify a prosecution for the offence, came to his knowledge, and the Treasurer's certificate as to the day on which such evidence came to his knowledge is conclusive evidence thereof. Limitation of prosecution 1953-54, c. 51 (Can.)

(5) Where, by this Act or a regulation, provision is made for sending by mail a request for information, notice or demand, an affidavit of an officer of the Treasury Department setting out that he has charge of the appropriate records, Proof of service by mail

that he has knowledge of the facts in the particular case, that such a request, notice or demand was sent by registered letter on a named day to the person to whom it was addressed, indicating such address and that he identifies as exhibits attached to the affidavit the post office certificate of registration of the letter or a true copy of the relevant portion thereof and a true copy of the request, notice or demand shall be received as *prima facie* evidence of the sending and of the request, notice or demand.

Proof of
failure
to comply

(6) Where, by this Act or a regulation, a person is required to make a return, statement, answer or certificate, an affidavit of an officer of the Treasury Department setting out that he has charge of the appropriate records and that after a careful examination and search of the records he has been unable to find in a given case that the return, statement, answer or certificate, as the case may be, has been made by such person shall be received as *prima facie* evidence that in such case that person did not make the return, statement, answer or certificate, as the case may be.

Proof of
time of
compliance

(7) Where, by this Act or a regulation, a person is required to make a return, statement, answer or certificate, an affidavit of an officer of the Treasury Department setting out that he has charge of the appropriate records and that after a careful examination of such records he has found that the return, statement, answer or certificate was filed or made on a particular day shall be received as *prima facie* evidence that it was filed or made on that day and not prior thereto.

Proof of
documents

(8) An affidavit of an officer of the Treasury Department setting out that he has charge of the appropriate records and that a document annexed thereto is a document or a true copy of a document made by or on behalf of the Treasurer or some person exercising the powers of the Treasurer or by or on behalf of a taxpayer shall be received as *prima facie* evidence of the nature and contents of the document and is admissible in evidence and has the same probative force as the original document would have if it had been proven in the ordinary way.

Proof of
no appeal

(9) An affidavit of an officer of the Treasury Department setting out that he has charge of the appropriate records and has knowledge of the practice of the Department and that an examination of the records shows that a notice of assessment for a particular taxation year was mailed or otherwise communicated to a taxpayer on a particular day pursuant to this Act and that, after a careful examination and search of the records, he has been unable to find that a notice of objection

or of appeal from the assessment was received within the time allowed therefor shall be received as *prima facie* evidence of the statements contained therein.

(10) Where evidence is offered under this section by an affidavit from which it appears that the person making it is an officer of the Treasury Department, it is not necessary to prove his signature or that he is such an officer nor is it necessary to prove the signature or official character of the person before whom the affidavit was sworn. Presumption

(11) Judicial notice shall be taken of all orders and regulations made under this Act without being specially pleaded or proven. R.S.O. 1950, c. 175, s. 57 (1-11). Judicial notice

(12) Every document purporting to be an order, direction, demand, notice, certificate, requirement, decision, assessment, discharge of mortgage or other document purporting to have been executed under, or in the course of administration or enforcement of, this Act over the name in writing of the Treasurer, the Comptroller, or an officer authorized by regulation to exercise powers or perform duties of the Treasurer under this Act, shall be deemed to be a document signed, made and issued by the Treasurer, the Comptroller or the officer unless it has been called in question by the Treasurer or by some person acting for him or for Her Majesty. Proof of documents

(13) For the purposes of this Act, the day of mailing of a notice of assessment or notification described in subsection 4 of section 6 shall, in the absence of any evidence to the contrary, be deemed to be the day appearing from such notice or notification to be the date thereof unless called in question by the Treasurer or by some person acting for him or for Her Majesty. Mailing date

(14) Where a notice of an assessment has been sent by the Treasurer as required by this Act, the assessment shall be deemed to have been made on the day of the mailing of the notice of assessment. Date when assessment made

(15) Every form purporting to be a form prescribed or authorized by the Treasurer shall be deemed to be a form prescribed by order of the Treasurer under this Act unless called in question by the Treasurer or some person acting for him or for Her Majesty. Forms prescribed or authorized

(16) In any prosecution for an offence under this Act, the production of a return, certificate, statement or answer required by or under this Act or a regulation, purporting to have been filed or delivered by or on behalf of the person charged with the offence or to have been made or signed by him or Proof of return

on his behalf, shall be received as *prima facie* evidence that such return, certificate, statement or answer was filed or delivered by or on behalf of that person or was made or signed by him or on his behalf. *New.*

PART III

Interpre-
tation

44.—(1) In this Act,

1. "amount" means money, rights or things expressed in terms of the amount of money or the value in terms of money of the right or thing; R.S.O. 1950, c. 175, s. 58 (1), cl. (a).
2. "annuity" includes an amount payable on a periodic basis whether payable at intervals longer or shorter than a year and whether payable under a contract, will or trust or otherwise; *New.*
3. "assessment" includes a re-assessment; R.S.O. 1950, c. 175, s. 58 (1), cl. (b).
4. "business" includes a profession, calling, trade, manufacture or undertaking of any kind whatsoever and includes an adventure or concern in the nature of trade, but does not include an office or employment;
5. "child qualified for family allowance" means a child who, in the last month of the taxation year in respect of which the expression is being applied, was or might have been qualified by registration under the *Family Allowances Act* (Canada) so that an allowance under the said Act was or might have been payable in respect of that child for the immediately following month;
6. "common share" is a share the holder of which is not precluded upon the reduction or redemption of the capital stock from participating in the assets of the corporation beyond the amount paid up thereon plus a fixed premium or a defined rate of dividend; *New.*
7. "Comptroller" means the Comptroller of Revenue for Ontario;
8. "corporation" includes incorporated companies; R.S.O. 1950, c. 175, s. 58 (1), cls. (c, d).
9. "country other than Canada" includes any of Her Majesty's self-governing dominions or dependencies;

R.S.C. 1952,
c. 109

10. "death benefit" for a taxation year means the amount or amounts received in the year by any person upon or after the death of an employee in recognition of his service in an office or employment, minus,

(a) where the amount or amounts were received by his widow, the lesser of,

(i) the amount or amounts so received, or

(ii) an amount equal to the salary, wages or other remuneration of the employee for the last year in that office or employment for which he received any such remuneration or \$10,000, whichever is the lesser, minus amounts deductible in computing for previous years the death benefits received in respect of his service in that office or employment; or

(b) where the employee died without leaving a widow or where no amount is deductible in computing for any year the death benefits received by his widow in respect of his service in that or any other office or employment, the lesser of,

(i) the amount or amounts so received, or

(ii) that proportion of any amount determined as provided in subclause ii of clause *a* that the amount or amounts so received are of the aggregate of all amounts received in the year, by each of the persons who received any such amount or amounts, upon or after the death of the employee in recognition of his service in that office or employment,

except that, where any death benefits were received in the year in respect of the services of an employee in more than one office or employment,

(c) this definition shall be read as requiring a separate determination of the death benefits received in respect of his service in each particular office or employment; and

(d) there shall be substituted for the amount determined under subclause ii of clause *a* or subclause ii of clause *b*, as the case may be, in respect of each particular office or employment, an amount equal to that proportion of the amount otherwise determined thereunder that the salary, wages and other remuneration of the employee for the last year in that particular office or employment for which he received any such remuneration is of the aggregate of his said remuneration for the last years in each of the said offices or employments from which he received any such remuneration;

11. "dividend" does not include a stock dividend; *New*.
12. "employed" means performing the duties of an office or employment; R.S.O. 1950, c. 175, s. 58 (1), cl. (e).
13. "employee" includes officer;
14. "employer", in relation to an officer, means the person from whom the officer receives his remuneration; *New*.
15. "employment" means the position of an individual in the service of some other person, including Her Majesty or a foreign state or sovereign, and "servant" or "employee" means a person holding such a position;
16. "estate" means the trustee or the executor, administrator, heir or other legal representative having ownership or control of the trust or estate property; R.S.O. 1950, c. 175, s. 58 (1), cls. (f, g).
17. "exempt income" means money, rights or things received or acquired by a person in such circumstances that they are, by reason of any provision of Part I of the *Income Tax Act* (Canada), not included in computing his income under that Act and includes amounts that are deductible under section 28 of that Act or that would be so deductible if it were not for subsection 2 of section 28 of that Act;
18. "farming" includes tillage of the soil, live stock raising or exhibiting, maintaining of horses for racing, raising of poultry, fur farming, dairy farming, fruit

- growing and the keeping of bees, but does not include an office or employment under a person engaged in the business of farming;
19. "fishing" includes fishing for or catching shell fish, crustaceans and marine animals, but does not include an office or employment under a person engaged in the business of fishing; *New*.
 20. "fiscal period" means the period for which the accounts of the business of the taxpayer have been ordinarily made up and accepted for purposes of assessment under this Act and, in the absence of an established practice, the fiscal period is that adopted by the taxpayer, but no fiscal period may exceed a period of twelve months and no change in a usual and accepted fiscal period may be made for the purposes of this Act without the concurrence of the Treasurer; R.S.O. 1950, c. 175, s. 58 (1), cl. (h).
 21. "gross revenue" means the aggregate of all amounts received in a taxation year or receivable in the year, depending on the method regularly followed by the taxpayer in computing his profit, otherwise than as or on account of capital; *New*.
 22. "individual" means a person other than a corporation; R.S.O. 1950, c. 175, s. 58 (1), cl. (i).
 23. "inventory" means a description of property the cost or value of which is relevant in computing the income of a taxpayer under the *Income Tax Act* (Canada) from a business for a taxation year; R.S.O. 1950, c. 175, s. 58 (1), cl. (j), *amended*. R.S.C. 1952,
c. 148
 24. "loss" means a loss computed by applying the provisions of the *Income Tax Act* (Canada) respecting computation of income from a business *mutatis mutandis*, but not including in the computation a dividend or part of a dividend the amount of which would be deductible under section 28 of the *Income Tax Act* (Canada) in computing taxable income, minus any amount by which a loss operated to reduce the income of the taxpayer from other sources in calculating the tax payable under the *Income Tax Act* (Canada) for the year in which it was sustained; *New*.
 25. "Minister" means the Minister of National Revenue for Canada;

26. "non-resident" means not resident in Ontario;
27. "office" means the position of an individual entitling him to a fixed or ascertainable stipend or remuneration and includes a judicial office, the office of a Minister of the Crown, the office of a member of the Senate or House of Commons of Canada, a member of a legislative assembly, a senator or member of a legislative or executive council and any other office, the incumbent of which is elected by popular vote or is elected or appointed in a representative capacity and also includes the position of a corporation director, and "officer" means a person holding such an office; R.S.O. 1950, c. 175, s. 58 (1), cls. (k-m).
28. "personal corporation" means a corporation defined by section 68 of the *Income Tax Act* (Canada) to be a personal corporation;
29. "personal or living expenses" includes,
 - (a) the expenses of properties maintained by any person for the use or benefit of the taxpayer or any person connected with the taxpayer by blood relationship, marriage or adoption and not maintained in connection with a business carried on for profit or with a reasonable expectation of profit;
 - (b) the expenses, premiums or other costs of a policy of insurance, annuity contract or other like contract if the proceeds of the policy or contract are payable to or for the benefit of the taxpayer or a person connected with him by blood relationship, marriage or adoption; and
 - (c) expenses of properties maintained by a personal corporation, estate or trust for the benefit of the taxpayer as one of its shareholders or beneficiaries; *New*.
30. "prescribed", in the case of a form or the information to be given on a form, means prescribed by order of the Treasurer and, in any other case, means prescribed by regulation;
31. "property" means property of any kind whatsoever, whether real or personal or corporeal or incorporeal, and, without restricting the generality of the fore-

R.S.C. 1952,
c. 148

going, includes a right of any kind whatsoever, a share or a chose in action; R.S.O. 1950, c. 175, s. 58 (1), cls. (n, o).

32. "province" means a province of Canada;
33. "registered pension fund or plan" means an employees' superannuation or pension fund or plan accepted by the Treasurer for registration for the purposes of this Act in respect of its constitution and operations for the taxation year under consideration;
34. "registered retirement savings plan" means a retirement savings plan accepted by the Treasurer for registration for the purposes of this Act as complying with the requirements of section 79B of the *Income Tax Act* (Canada); *New*. R.S.C. 1952,
c. 148
35. "regulation" means a regulation made by the Lieutenant Governor in Council under this Act; R.S.O. 1950, c. 175, s. 58 (1), cl. (p).
36. "retiring allowance" means an amount received upon or after retirement from an office or employment in recognition of long service or in respect of loss of office or employment, other than a superannuation or pension benefit, whether the recipient is the officer or employee or a dependant, relation or legal representative;
37. "salary or wages", except in section 5 of the *Income Tax Act* (Canada) and paragraph 10 of this subsection, means the income of a taxpayer from an office or employment as computed under section 5 of the *Income Tax Act* (Canada) and includes all fees received for services not rendered in the course of the business of the taxpayer, but does not include superannuation or pension benefits or retiring allowances;
38. "self-contained domestic establishment" means a dwelling house, apartment or other similar place of residence in which place a person as a general rule sleeps and eats;
39. "separation agreement" includes an agreement by which a person agrees to make payments on a periodic basis for the maintenance of a former spouse, children of the marriage, or both the former spouse and the children of the marriage, after the marriage

has been dissolved by Parliament, whether the agreement was made before or after the marriage was dissolved;

40. "share" means a share of capital stock of a corporation;
41. "shareholder" includes a member or other person entitled to receive payment of a dividend;
42. "shareholder's portion of undistributed income of a corporation" has the meaning given to that expression by section 82 of the *Income Tax Act* (Canada);
43. "superannuation or pension benefit" includes any amount received out of or under a superannuation or pension fund or plan; *New*.
44. "taxpayer" includes any individual mentioned in Part I of this Act, whether or not he is liable to pay tax;
45. "Treasurer" means the Treasurer of Ontario;
46. "trust" means the trustee or executor, administrator, heir or other legal representative having ownership or control of the trust or estate property;
47. "tax payable by a taxpayer under Part I" means the tax payable by him as fixed by assessment or reassessment, subject to variation on objection or appeal, if any, in accordance with the provisions of that Part. R.S.O. 1950, c. 175, s. 58 (1), cls. (q-t).

R.S.C. 1952,
c. 148

Taxation
year

(2) For the purpose of this Act, a "taxation year" is, in the case of an individual, a calendar year, and, when a taxation year is referred to by reference to a calendar year, the reference is to the taxation year or years coinciding with or ending in that year.

Extended
meaning of
resident

(3) For the purposes of this Act, a person shall be deemed to have been resident in Ontario in a taxation year if,

- (a) he sojourned in Ontario in the year for a period of, or periods the aggregate of which is, 183 days or more;
- (b) he was, at any time in the year, a member of the naval, army or air forces of Canada, if before his enlistment he was ordinarily resident in Ontario; or

(c) he was, at any time in the year,

(i) an ambassador, minister, high commissioner, officer or servant of Canada, or

(ii) an agent-general, officer or servant of Ontario,

and he was a resident in Ontario immediately prior to appointment by Canada or Ontario, as the case may be, or received representational allowances in respect of the year.

(4) In this Act, a reference to a person resident in Ontario ^{Ordinarily} includes a person who was at the relevant time ordinarily ^{resident} resident in Ontario. R.S.O. 1950, c. 175, s. 58 (2-4).

(5) For the purposes of this Act,

**Arm's
length**

(a) related persons shall be deemed not to deal with each other at arm's length; and

(b) it is a question of fact whether persons not related to each other were at a particular time dealing with each other at arm's length.

(6) For the purposes of this subsection and subsections 5 ^{Relationship} and 8, "related persons", or persons related to each other, are, ^{defined}

(a) individuals connected by blood relationship, marriage or adoption;

(b) a corporation and,

(i) a person who controls the corporation, if it is controlled by one person,

(ii) a person who is a member of a related group that controls the corporation, or

(iii) any person related to a person described by subclause i or ii;

(c) any two corporations,

(i) if they are controlled by the same person or group of persons,

(ii) if each of the corporations is controlled by one person and the person who controls one of the corporations is related to the person who controls the other corporation,

- (iii) if one of the corporations is controlled by one person and that person is related to any member of a related group that controls the other corporation,
- (iv) if one of the corporations is controlled by one person and that person is related to each member of an unrelated group that controls the other corporation,
- (v) if any member of a related group that controls one of the corporations is related to each member of an unrelated group that controls the other corporation, or
- (vi) if each member of an unrelated group that controls one of the corporations is related to at least one member of an unrelated group that controls the other corporation.

Corporations
related to
each other

(7) Where two corporations are related to the same corporation within the meaning of subsection 6, they shall, for the purpose of subsection 5 or 6, be deemed to be related to each other.

Interpre-
tation

(8) In this subsection and in subsections 6 and 9,

- (a) "related group" means a group of persons each member of which is related to every other member of the group; and
- (b) "unrelated group" means a group of persons that is not a related group.

Control by
related
group,
options, etc.

(9) For the purpose of subsection 6,

- (a) where a related group is in a position to control a corporation, it shall be deemed to be a related group that controls the corporation whether or not it is part of a larger group by whom the corporation is in fact controlled; and
- (b) a person who had a right under a contract, in equity or otherwise, either immediately or in the future and either absolutely or contingently, to, or to acquire, shares in a corporation, or to control the voting rights of shares in a corporation, shall be deemed to have had the same position in relation to the control of the corporation as if he owned the shares.

(10) For the purpose of clause *a* of subsection 6,

Persons
related by
blood rela-
tionship, etc.

- (a) persons are connected by blood relationship if one is the child or other descendant of the other or one is the brother or sister of the other;
- (b) persons are connected by marriage if one is married to the other or to a person who is so connected by blood relationship to the other; and
- (c) persons are connected by adoption if one has been adopted, either legally or in fact, as the child of the other or as the child of a person who is so connected by blood relationship, otherwise than as a brother or sister, to the other.

(11) Where, in a taxation year, a non-resident person,

Extended
meaning of
carrying on
business

- (a) produced, grew, mined, created, manufactured, fabricated, improved, packed, preserved or constructed, in whole or in part, anything in Ontario whether or not he exported that thing without selling it prior to exportation; or
- (b) solicited orders or offered anything for sale in Ontario through an agent or servant whether the contract or transaction was to be completed inside or outside Ontario or partly in and partly outside Ontario,

he shall be deemed, for the purposes of this Act, to have been carrying on business in Ontario in the year.

(12) In this Act, words referring to a child of a taxpayer include,

Extended
meaning of
child

- (a) an illegitimate child of the taxpayer;
- (b) a person who is wholly dependent on the taxpayer for support and of whom the taxpayer has, or immediately before such person attained the age of twenty-one years did have, in law or in fact, the custody and control; and
- (c) a daughter-in-law or a son-in-law of the taxpayer.

(13) In this Act, words referring to a parent of a taxpayer include a person whose child the taxpayer is, in the taxation year in respect of which the expression is being employed,

Parent

within the meaning of subsection 12 or whose child the taxpayer had previously been within the meaning of clause *b* of subsection 12, and,

- (a) "grandparent" includes grandmother-in-law and grandfather-in-law;
- (b) "parent" includes mother-in-law and father-in-law;
- (c) "brother" includes a brother-in-law; and
- (d) "sister" includes a sister-in-law.

Contract
under
pension plan

(14) For greater certainty, it is hereby declared that, where a document has been issued or a contract entered into, either before or after the coming into force of this subsection, purporting to create, to establish, to extinguish or to be in substitution for, the right of a taxpayer to an amount or amounts, immediately or in the future, out of or under a superannuation or pension fund or plan,

- (a) if the rights provided for in the document or contract are rights provided for by the superannuation or pension plan or are rights to a payment or payments out of the superannuation or pension fund, any payment under the document or contract is a payment out of or under the superannuation or pension fund or plan and the taxpayer shall be deemed not to have received, by the issuance of the document or entering into the contract, an amount out of or under the superannuation or pension fund or plan; and
- (b) if the rights created or established by the document or contract are not rights provided for by the superannuation or pension plan or a right to payments out of the superannuation or pension fund, an amount equal to the value of the rights created or established by the document or contract shall be deemed to have been received by the taxpayer out of or under the superannuation or pension fund or plan when the document was issued or the contract was entered into. *New.*

Interpre-
tation

R.S.C. 1952,
c. 148

(15) "Tax payable under the *Income Tax Act* (Canada)" and "tax payable under section 32 of the *Income Tax Act* (Canada)" and "tax otherwise payable under Part I of the *Income Tax Act* (Canada)" mean the tax otherwise payable under the *Income Tax Act* (Canada) in respect of which the expression is being applied, and the amount of such tax shall be determined,

- (a) before making any deduction in respect of taxes payable to the government of a country other than

Canada under section 41 of the *Income Tax Act* ^{R.S.C. 1952, c. 148} (Canada);

- (b) before making any deduction in respect of taxes payable to a province under section 33 of the *Income Tax Act* (Canada);
- (c) in the case of a taxpayer by whom an election under section 43 of the *Income Tax Act* (Canada) has been made, to include the aggregate of the taxes calculated to be payable pursuant to clauses *a* and *b* of subsection 1 of the said section 43 before deduction therefrom of any amount in respect of taxes payable to a province for any year under section 33 of the *Income Tax Act* (Canada);
- (d) after making any deduction in respect of dividends under section 38 of the *Income Tax Act* (Canada); and
- (e) before including the Old Age Security tax imposed by subsection 3 of section 10 of the *Old Age Security Act* ^{R.S.C. 1952, c. 200} (Canada). ^{R.S.O. 1950, s. 58 (5), amended.}

PART IV

MISCELLANEOUS

45. The following are repealed:

Repeal:

- | | |
|---|-----------------------------------|
| 1. <i>The Income Tax Suspension Act, 1947.</i> | 1947, c. 48 |
| 2. <i>The Income Tax Suspension Act, 1948.</i> | 1948, c. 45 |
| 3. <i>The Income Tax Suspension Act, 1949.</i> | 1949, c. 43 |
| 4. <i>The Income Tax Act.</i> | R.S.O. 1950, c. 175 |
| 5. <i>The Income Tax Suspension Act, 1951.</i> | 1951, c. 38 |
| 6. <i>The Income Tax Suspension Act, 1952.</i> | 1952, c. 40 |
| 7. <i>The Corporations and Income Taxes Suspension Act, 1952.</i> | ^{1952 (2nd Sess.), c. 1} |
| 8. <i>The Corporations and Income Taxes Suspension Amendment Act, 1953.</i> | ^{1953, c. 20} |

46. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation. ^{Commencement}

47. This Act may be cited as *The Income Tax Act, 1960-61.* ^{Short title}

1st Reading

March 9th, 1961

2nd Reading

March 16th, 1961

3rd Reading

March 29th, 1961

MR. ALLAN (Haldimand-Norfolk)

BILL 110

**2ND SESSION, 26TH LEGISLATURE, ONTARIO
9-10 ELIZABETH II, 1960-61**

**An Act to amend
The Municipality of Metropolitan Toronto Act**

MR. WARRENDER

EXPLANATORY NOTES

SECTION 1. The amendments make the provisions of *The Municipal Act* respecting open meetings of councils and disclosure of interest by members applicable to the Metropolitan Council and to local boards of the Metropolitan Corporation.

SECTION 2. The amount that the Metropolitan Council may grant annually to the Toronto Transit Commission toward the cost of providing free transportation to blind persons and war amputees is increased from \$50,000 to \$80,000.

SECTION 3. The amendment is to make it clear that the exemption with regard to concessions applies only to concessions operated, rented or leased in subway stations.

BILL 110

1960-61

An Act to amend The Municipality of Metropolitan Toronto Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 17 of *The Municipality of Metropolitan Toronto Act* is amended by striking out “190” in the first line, R.S.O. 1960, c. 260, s. 17, amended so that subsection 1 of the said section 17 shall read as follows:

(1) Sections 192, 193, 195, 197, 198, 199, 244, 253 Application of R.S.O. 1960, c. 249 and 275 to 280 of *The Municipal Act* apply *mutatis mutandis* to the Metropolitan Corporation.

(2) The said section 17 is further amended by adding R.S.O. 1960, c. 260, s. 17, amended thereto the following subsection:

(2) Sections 190 and 198a of *The Municipal Act* apply idem *mutatis mutandis* to the Metropolitan Council and to every local board of the Metropolitan Corporation.

2. Section 122 of *The Municipality of Metropolitan Toronto Act* is amended by striking out “\$50,000” in the second line R.S.O. 1960, c. 260, s. 122, amended and inserting in lieu thereof “\$80,000”, so that the section shall read as follows:

122. The Metropolitan Council may make an annual Grants re free transportation for blind, etc. grant of not more than \$80,000 to the Toronto Transit Commission toward the cost of providing free transportation for blind persons and war amputees.

3. Subsection 2 of section 123 of *The Municipality of Metropolitan Toronto Act* is amended by striking out “any R.S.O. 1960, c. 260, s. 123, subs. 2, amended such buildings or structures” in the fourth line and inserting in lieu thereof “subway stations”, so that the subsection shall read as follows:

Application

- (2) Subsection 1 does not apply to lands and buildings and structures thereon used as car yards or shops for or in connection with such Subway nor to concessions operated, rented or leased in subway stations.

R.S.O. 1960,
c. 260, s. 135,
subs. 6,
re-enacted

4. Subsection 6 of section 135 of *The Municipality of Metropolitan Toronto Act* is repealed and the following substituted therefor:

Wards of
Children's
Aid
Society

- (6) Where a child,

(a) who is a ward of The Metropolitan Toronto Children's Aid Society or whose mother is his sole support; and

(b) who has the right to attend a public or secondary school in an area municipality without payment of a fee,

resides in the Metropolitan Area, he has the same right to attend a school without payment of a fee as he would have if his residence was that of his parents or guardians and, if he does so attend, he shall be deemed for all purposes to be a resident pupil of the public school division or secondary school district in which he resides.

R.S.O. 1960,
c. 260, s. 139,
amended

5. Section 139 of *The Municipality of Metropolitan Toronto Act* is amended by adding thereto the following subsection:

School tax
assistance
grants

- (2a) The residential and farm school tax assistance grant shall be paid to each board of education in the Metropolitan Area.

R.S.O. 1960,
c. 260,
amended

6. *The Municipality of Metropolitan Toronto Act* is amended by adding thereto the following section:

Acquisition
of school
sites by
School
Board

145a.—(1) If it appears to the School Board that the erection of a school for pupils from more than one public school division or high school district in the Metropolitan Area is or will be desirable, the School Board may acquire land for the school site by purchase or otherwise or by expropriation.

Borrowing

- (2) The Metropolitan Council may borrow money at the request of the School Board for the purpose of acquiring land under subsection 1 and the School Board shall pay the interest charges on the amount borrowed as they fall due and shall repay the principal sum within five years from the date it was made available to it.

SECTION 4. Subsection 6 is re-enacted to provide that wards of the Children's Aid Society who are resident in Metropolitan Toronto are resident pupils for the purpose of maintenance assistance payments.

SECTION 5. The amendment is complementary to amendments to *The Schools Administration Act* and *The Municipal Act* providing for applying the school tax assistance grants to the benefit of residential and farm property in the Metropolitan Area.

SECTION 6. The new section permits the Metropolitan School Board to acquire school sites in advance of need if it appears to the School Board that the erection of a school for pupils from more than one public school division or high school district in the Metropolitan Area will be desirable.

SECTION 7. Self-explanatory.

SECTION 8. Under existing legislation, authorizations for admission to homes for the aged must be signed by the chairman or a member of the Metropolitan Council. The amendment permits the designation by Metropolitan Council of any person or persons to sign such authorizations.

SECTION 9. The new subsection 3 is self-explanatory.

Under agreements with the Metropolitan Toronto Conservation Authority, the Metropolitan Corporation has assumed the management and control of certain lands and is maintaining these lands as public parks. The title to the lands remains in the Conservation Authority. The new subsections 4 and 5 permit the Metropolitan Corporation to lay out roads and to assume the maintenance of existing roads and to regulate traffic and set speed limits on such roads.

(3) Upon being reimbursed for all expenses, including interest charges on money borrowed under subsection 2, actually incurred in acquiring and holding the land less any revenue received therefrom, the School Board may convey the land to a board of education having jurisdiction in one of the divisions or districts from which pupils will attend the school when erected. Transfer to board of education

(4) The School Board may sell land acquired under subsection 1 if it appears to the School Board that such land will not be required for the erection of a school and may lease or rent such land at any time if it appears to the School Board that it is not immediately so required. Disposition

(5) Part VI of *The Schools Administration Act* applies to the expropriation of land under this section and to the compensation to be paid for land so expropriated. Application of R.S.O. 1960, c. 361, to expropriation

(6) All land acquired under subsection 1, so long as it is held by the School Board, is subject to municipal assessment and taxation in the municipality in which it is situated. Assessment and taxation

7. Section 157 of *The Municipality of Metropolitan Toronto Act* is amended by adding thereto the following subsection: R.S.O. 1960, c. 260, s. 157, amended

(6) The Metropolitan Corporation may pay to the local board of health of any area municipality the whole or any part of the cost incurred by such local board for dairy farm inspections made after the 31st day of December, 1960. Dairy farm inspections

8. Clause *a* of subsection 2 of section 159 of *The Municipality of Metropolitan Toronto Act* is amended by striking out "member of the Metropolitan Council as is" in the third and fourth lines and inserting in lieu thereof "person or persons as may be", so that the clause shall read as follows: R.S.O. 1960, c. 260, s. 159, subs. 2, cl. a, amended

(a) the authorization in the prescribed form referred to in clause *e* of that section shall be signed by the chairman or by such other person or persons as may be designated by resolution of the Metropolitan Council.

9. Section 223 of *The Municipality of Metropolitan Toronto Act* is amended by adding thereto the following subsections: R.S.O. 1960, c. 260, s. 223, amended

Metropolitan
Corporation
a municipality
under R.S.O.
1960, c. 285

- (3) The Metropolitan Corporation shall be deemed to be a municipality for the purposes of *The Parks Assistance Act*.

Park lands
owned by
Metropolitan
Conservation
Authority

- (4) Where, under an agreement with The Metropolitan Toronto and Region Conservation Authority, lands vested in the Authority are managed and controlled by the Metropolitan Corporation, the Metropolitan Corporation may,

- (a) exercise all or any of the powers conferred on it under subsection 1 in respect of such lands;
- (b) lay out, construct and maintain roads on such lands and, with the consent of the area municipality in which such lands, or any part thereof, are situate, assume the maintenance of existing roads on such lands, or any part thereof;
- (c) subject to *The Highway Traffic Act*, regulate traffic on such roads and prescribe the rate of speed for motor vehicles driven on such roads in accordance with subsection 4 of section 59 of *The Highway Traffic Act*;
- (d) notwithstanding the provisions of any other Act, exempt from municipal taxation any such lands for so long as they are managed and controlled by the Metropolitan Corporation and used for park purposes.

Tax
exemption

- (5) An exemption from taxes under subsection 4 shall be deemed to have the same effect as an exemption from taxes under section 4 of *The Assessment Act*.

R.S.O. 1960,
c. 23

R.S.O. 1960,
o. 260, s. 226,
amended

- 10.** Section 226 of *The Municipality of Metropolitan Toronto Act* is amended by adding thereto the following subsection:

Ferry
service

- (7) Notwithstanding any other provision in this Act, the Metropolitan Corporation may establish, maintain and operate a ferry service for providing access to the lands vested in the Metropolitan Corporation under this section for so long as such lands or any part thereof remain so vested and are used for park purposes, and, for such purposes, the Metropolitan Corporation may assume the rights, equipment and other assets of the Toronto Transit Commission used in providing such service subject only to the payment of any outstanding liability in respect thereto and

SECTION 10. The amendment permits the Metropolitan Corporation to operate a ferry service to Toronto Island Parks and authorizes it to assume the assets of the Toronto Transit Commission used for such purposes.

SECTION 11. The amendment gives The Metropolitan School Board the right to establish reserves with the approval of the Metropolitan Council.

SECTION 12. This provides an alternative method of dispensing with the public hearing to that now found in subsection 3, namely, the obtaining of waivers from all other area municipalities concerned.

SECTION 13. The section is re-enacted to permit the Metropolitan Corporation to use or occupy lands for garbage disposal as well as to acquire land for such purposes.

such adjustment as the Metropolitan Corporation may determine and may enter into agreements with any person with respect to the provision of such service.

11. Subsection 1 of section 232 of *The Municipality of Metropolitan Toronto Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 260, s. 232,
subs. 1,
re-enacted

- (1) The Metropolitan Council, or The Metropolitan School Board with the approval of the Metropolitan Council, may in each year, if authorized by a two-thirds vote of the members present at a meeting of the Metropolitan Council or the School Board, as the case may be, provide in the estimates for the establishment or maintenance of a reserve fund for any purpose for which it has authority to spend funds. Reserve
funds

12. Section 236 of *The Municipality of Metropolitan Toronto Act* is amended by adding thereto the following subsection: R.S.O. 1960,
c. 260, s. 236,
amended

- (4) Upon any application, the Municipal Board may direct that the applicant give, by registered mail, to the persons mentioned in subsection 2, notice of the application including a requirement that the Metropolitan Corporation or any area municipality file with the applicant within such time as may be specified by the Municipal Board any objection to the application, and, if no such objection is filed within the time specified, the Municipal Board may dispense with the public hearing. Idem

13. Section 257 of *The Municipality of Metropolitan Toronto Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 260, s. 257,
re-enacted

257.—(1) The Metropolitan Corporation may acquire, use or occupy land and may erect, maintain and operate buildings, structures and machinery for the purposes of dumping and disposing of garbage, refuse and domestic or industrial waste of any kind and may regulate the dumping and disposing of garbage, refuse and domestic or industrial waste of any kind upon such land and charge fees therefor. Garbage
disposal

- (2) The powers conferred by subsection 1 shall not be exercised without the approval of the area municipality in which the land is situate or the dumping and disposal operations are to be carried on. Approval of
municipality

Grants

14. The Metropolitan Council may make the following grants:

1. \$2,000 to the Tunnel Tragedy Fund.
2. \$50,000 to the Toronto Association of Occupational Therapy, toward the cost of a new Toronto rehabilitation centre.
3. \$10,000 to the Elizabeth Fry Society.
4. \$1,000 to the Community Planning Association of Canada, Ontario Division.
5. \$50,000 to the Salvation Army, toward the cost of a rehabilitation centre for alcoholics.
6. \$25,000 to the St. Alban's Boys Sports Club Incorporated.
7. \$100,000 to the Scott Mission Incorporated, toward the cost of construction of a new building.
8. \$100,000 to the building fund of The Metropolitan Toronto Association for Retarded Children.

Assistance
toward
community
centre re
Lawrence
Heights
Project

15. The Metropolitan Corporation may acquire land in connection with the Lawrence Heights Project in the Township of North York and may grant assistance not exceeding \$60,000 toward the total cost of the acquisition of the land and the construction of a community centre thereon.

Commence-
ment

16. This Act comes into force on the day it receives Royal Assent.

Short title

17. This Act may be cited as *The Municipality of Metropolitan Toronto Amendment Act, 1960-61*.

SECTION 14. This section is required to enable the Metropolitan Corporation to make grants to the organizations referred to in the section.

SECTION 15. Self-explanatory.

An Act to amend The Municipality
of Metropolitan Toronto Act

1st Reading

March 13th, 1961

2nd Reading

3rd Reading

MR. WARRENDER

BILL 110

2ND SESSION, 26TH LEGISLATURE, ONTARIO
9-10 ELIZABETH II, 1960-61

An Act to amend The Municipality of Metropolitan Toronto Act

MR. WARRENDER

(Reprinted for consideration by the Committee of the Whole House)

EXPLANATORY NOTES

SECTION 1. The amendments make the provisions of *The Municipal Act* respecting open meetings of councils and disclosure of interest by members applicable to the Metropolitan Council and to local boards of the Metropolitan Corporation.

SECTION 2. The amount that the Metropolitan Council may grant annually to the Toronto Transit Commission toward the cost of providing free transportation to blind persons and war amputees is increased from \$50,000 to \$80,000.

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BILL 110

1960-61

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(1) Sections 192, 193, 195, 197, 198, 199, 244, 253 Application of R.S.O. 1960, c. 260, s. 249 and 275 to 280 of *The Municipal Act* apply *mutatis mutandis* to the Metropolitan Corporation.

(2) The said section 17 is further amended by adding R.S.O. 1960, c. 260, s. 17, amended thereto the following subsection:

(2) Sections 190 and 198a of *The Municipal Act* apply Idem *mutatis mutandis* to the Metropolitan Council and to every local board of the Metropolitan Corporation.

2. Section 122 of *The Municipality of Metropolitan Toronto Act* is amended by striking out "\$50,000" in the second line R.S.O. 1960, c. 260, s. 122, amended and inserting in lieu thereof "\$80,000", so that the section shall read as follows:

122. The Metropolitan Council may make an annual grant of not more than \$80,000 to the Toronto Transit Commission toward the cost of providing Grants re free transportation for blind, etc. free transportation for blind persons and war amputees.

3. Subsection 2 of section 123 of *The Municipality of Metropolitan Toronto Act* is amended by striking out "any such buildings or structures" in the fourth line and inserting R.S.O. 1960, c. 260, s. 123, subs. 2, amended in lieu thereof "subway stations", so that the subsection shall read as follows:

Application

- (2) Subsection 1 does not apply to lands and buildings and structures thereon used as car yards or shops for or in connection with such Subway nor to concessions operated, rented or leased in subway stations.

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c. 260, s. 135,
subs. 6,
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4. Subsection 6 of section 135 of *The Municipality of Metropolitan Toronto Act* is repealed and the following substituted therefor:

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Children's
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- (6) Where a child,

- (a) who is a ward of The Metropolitan Toronto Children's Aid Society or whose mother is his sole support; and
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resides in the Metropolitan Area, he has the same right to attend a school without payment of a fee as he would have if his residence was that of his parents or guardians and, if he does so attend, he shall be deemed for all purposes to be a resident pupil of the public school division or secondary school district in which he resides.

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5. Section 139 of *The Municipality of Metropolitan Toronto Act* is amended by adding thereto the following subsection:

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- (2a) The residential and farm school tax assistance grant shall be paid to each board of education in the Metropolitan Area.

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c. 260,
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of school
sites by
School
Board

- 145a.—(1) If it appears to the School Board that the erection of a school for pupils from more than one public school division or high school district in the Metropolitan Area is or will be desirable, the School Board may acquire land for the school site by purchase or otherwise or by expropriation.

Borrowing

- (2) The Metropolitan Council may borrow money at the request of the School Board for the purpose of acquiring land under subsection 1 and the School Board shall pay the interest charges on the amount borrowed as they fall due and shall repay the principal sum within five years from the date it was made available to it.

SECTION 4. Subsection 6 is re-enacted to provide that wards of the Children's Aid Society who are resident in Metropolitan Toronto are resident pupils for the purpose of maintenance assistance payments.

SECTION 5. The amendment is complementary to amendments to *The Schools Administration Act* and *The Municipal Act* providing for applying the school tax assistance grants to the benefit of residential and farm property in the Metropolitan Area.

SECTION 6. The new section permits the Metropolitan School Board to acquire school sites in advance of need if it appears to the School Board that the erection of a school for pupils from more than one public school division or high school district in the Metropolitan Area will be desirable.

SECTION 7. Self-explanatory.

SECTION 8. Under existing legislation, authorizations for admission to homes for the aged must be signed by the chairman or a member of the Metropolitan Council. The amendment permits the designation by Metropolitan Council of any person or persons to sign such authorizations.

SECTION 9. The new subsection 3 is self-explanatory.

Under agreements with the Metropolitan Toronto Conservation Authority, the Metropolitan Corporation has assumed the management and control of certain lands and is maintaining these lands as public parks. The title to the lands remains in the Conservation Authority. The new subsections 4 and 5 permit the Metropolitan Corporation to lay out roads and to assume the maintenance of existing roads and to regulate traffic and set speed limits on such roads.

- (3) Upon being reimbursed for all expenses, including interest charges on money borrowed under subsection 2, actually incurred in acquiring and holding the land less any revenue received therefrom, the School Board may convey the land to a board of education having jurisdiction in one of the divisions or districts from which pupils will attend the school when erected. Transfer to board of education
- (4) The School Board may sell land acquired under subsection 1 if it appears to the School Board that such land will not be required for the erection of a school and may lease or rent such land at any time if it appears to the School Board that it is not immediately so required. Disposition
- (5) Part VI of *The Schools Administration Act* applies to the expropriation of land under this section and to the compensation to be paid for land so expropriated. Application of R.S.O. 1960, c. 361, to expropriation
- (6) All land acquired under subsection 1, so long as it is held by the School Board, is subject to municipal assessment and taxation in the municipality in which it is situated. Assessment and taxation

7. Section 157 of *The Municipality of Metropolitan Toronto Act* is amended by adding thereto the following subsection: R.S.O. 1960, c. 260, s. 157, amended

- (6) The Metropolitan Corporation may pay to the local board of health of any area municipality the whole or any part of the cost incurred by such local board for dairy farm inspections made after the 31st day of December, 1960. Dairy farm inspections

8. Clause *a* of subsection 2 of section 159 of *The Municipality of Metropolitan Toronto Act* is amended by striking out "member of the Metropolitan Council as is" in the third and fourth lines and inserting in lieu thereof "person or persons as may be", so that the clause shall read as follows: R.S.O. 1960, c. 260, s. 159, subs. 2, cl. a, amended

- (a) the authorization in the prescribed form referred to in clause *e* of that section shall be signed by the chairman or by such other person or persons as may be designated by resolution of the Metropolitan Council.

9. Section 223 of *The Municipality of Metropolitan Toronto Act* is amended by adding thereto the following subsections: R.S.O. 1960, c. 260, s. 223 amended

Metropolitan
Corporation
a muni-
cipality
under R.S.O.
1960, c. 285

Park lands
owned by
Metropolitan
Conservation
Authority

R.S.O. 1960,
c. 172

Tax
exemption

R.S.O. 1960,
c. 23

R.S.O. 1960,
o. 260, s. 226,
amended

Ferry
service

- (3) The Metropolitan Corporation shall be deemed to be a municipality for the purposes of *The Parks Assistance Act*.
- (4) Where, under an agreement with The Metropolitan Toronto and Region Conservation Authority, lands vested in the Authority are managed and controlled by the Metropolitan Corporation, the Metropolitan Corporation may,
 - (a) exercise all or any of the powers conferred on it under subsection 1 in respect of such lands;
 - (b) lay out, construct and maintain roads on such lands and, with the consent of the area municipality in which such lands, or any part thereof, are situate, assume the maintenance of existing roads on such lands, or any part thereof;
 - (c) subject to *The Highway Traffic Act*, regulate traffic on such roads and prescribe the rate of speed for motor vehicles driven on such roads in accordance with subsection 4 of section 59 of *The Highway Traffic Act*;
 - (d) notwithstanding the provisions of any other Act, exempt from municipal taxation any such lands for so long as they are managed and controlled by the Metropolitan Corporation and used for park purposes.

- (5) An exemption from taxes under subsection 4 shall be deemed to have the same effect as an exemption from taxes under section 4 of *The Assessment Act*.

10. Section 226 of *The Municipality of Metropolitan Toronto Act* is amended by adding thereto the following subsection:

- (7) Notwithstanding any other provision in this Act, the Metropolitan Corporation may establish, maintain and operate a ferry service for providing access to the lands vested in the Metropolitan Corporation under this section for so long as such lands or any part thereof remain so vested and are used for park purposes, and, for such purposes, the Metropolitan Corporation may assume the rights, equipment and other assets of the Toronto Transit Commission used in providing such service subject only to the payment of any outstanding liability in respect thereto and

SECTION 10. The amendment permits the Metropolitan Corporation to operate a ferry service to Toronto Island Parks and authorizes it to assume the assets of the Toronto Transit Commission used for such purposes.

SECTION 11. The amendment gives The Metropolitan School Board the right to establish reserves with the approval of the Metropolitan Council.

SECTION 12. This provides an alternative method of dispensing with the public hearing to that now found in subsection 3, namely, the obtaining of waivers from all other area municipalities concerned.

SECTION 13. Where the Metropolitan Council establishes an emergency measures civil defence organization, it is thereafter the responsibility of the Metropolitan Council to deal with such matters and not that of the area municipalities.

such adjustment as the Metropolitan Corporation may determine and may enter into agreements with any person with respect to the provision of such service.

11. Subsection 1 of section 232 of *The Municipality of Metropolitan Toronto Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 260, s. 232,
subs. 1,
re-enacted

- (1) The Metropolitan Council, or The Metropolitan School Board with the approval of the Metropolitan Council, may in each year, if authorized by a two-thirds vote of the members present at a meeting of the Metropolitan Council or the School Board, as the case may be, provide in the estimates for the establishment or maintenance of a reserve fund for any purpose for which it has authority to spend funds. Reserve
funds

12. Section 236 of *The Municipality of Metropolitan Toronto Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 260, s. 236,
amended

- (4) Upon any application, the Municipal Board may direct that the applicant give, by registered mail, to the persons mentioned in subsection 2, notice of the application including a requirement that the Metropolitan Corporation or any area municipality file with the applicant within such time as may be specified by the Municipal Board any objection to the application, and, if no such objection is filed within the time specified, the Municipal Board may dispense with the public hearing. Idem

13. Subsection 8 of section 255 of *The Municipality of Metropolitan Toronto Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 260, s. 255,
subs. 8,
re-enacted

- (8) By-laws may be passed by the Metropolitan Council, Emergency
measures
civil
defence
- (a) for the establishment and maintenance of emergency measures civil defence organizations in the Metropolitan Area; and
- (b) for providing moneys for emergency measures and civil defence, for the purposes of emergency measures civil defence organizations and for the cost of the operation of such organizations, and for other similar work in the Metropolitan Area,

R.S.O. 1960,
c. 249

and, when a by-law passed under this subsection is in force in the Metropolitan Area, any by-law passed by the council of an area municipality under sub-clauses ii and iii of clause *b* of section 378 of *The Municipal Act* has no effect.

R.S.O. 1960,
c. 260, s. 257,
re-enacted

14. Section 257 of *The Municipality of Metropolitan Toronto Act* is repealed and the following substituted therefor:

Garbage
disposal

257.—(1) The Metropolitan Corporation may acquire, use or occupy land and may erect, maintain and operate buildings, structures and machinery for the purposes of dumping and disposing of garbage, refuse and domestic or industrial waste of any kind and may regulate the dumping and disposing of garbage, refuse and domestic or industrial waste of any kind upon such land and charge fees therefor.

Approval of
municipality

(2) The powers conferred by subsection 1 shall not be exercised without the approval of the area municipality in which the land is situate or the dumping and disposal operations are to be carried on.

Grants

15. The Metropolitan Council may make the following grants:

1. \$2,000 to the Tunnel Tragedy Fund.
2. \$50,000 to the Toronto Association of Occupational Therapy, toward the cost of a new Toronto rehabilitation centre.
3. \$10,000 to the Elizabeth Fry Society.
4. \$1,000 to the Community Planning Association of Canada, Ontario Division.
5. \$50,000 to the Salvation Army, toward the cost of a rehabilitation centre for alcoholics.
6. \$25,000 to the St. Alban's Boys Sports Club Incorporated.
7. \$100,000 to the Scott Mission Incorporated, toward the cost of construction of a new building.
8. \$100,000 to the building fund of The Metropolitan Toronto Association for Retarded Children.

SECTION 14. The section is re-enacted to permit the Metropolitan Corporation to use or occupy lands for garbage disposal as well as to acquire land for such purposes.

SECTION 15. This section is required to enable the Metropolitan Corporation to make grants to the organizations referred to in the section.

SECTION 16. Self-explanatory.

9. \$15,000 to the Catholic Children's Aid Society of Metropolitan Toronto toward the cost of renovating the Neil McNeil property of the Society.

16. The Metropolitan Corporation may acquire land in connection with the Lawrence Heights Project in the Township of North York and may grant assistance not exceeding \$60,000 toward the total cost of the acquisition of the land and the construction of a community centre thereon.

17.—(1) This Act, except paragraphs 1, 4, 6 and 7 of section 15, comes into force on the day it receives Royal Assent.

(2) Paragraphs 1, 4, 6 and 7 of section 15 shall be deemed to have come into force on the 1st day of January, 1960.

18. This Act may be cited as *The Municipality of Metro-politan Toronto Amendment Act, 1960-61*.

An Act to amend The Municipality
of Metropolitan Toronto Act

1st Reading

March 13th, 1961

2nd Reading

March 16th, 1961

3rd Reading

MR. WARRENDER

*(Reprinted for consideration by the
Committee of the Whole House)*

BILL 110

2ND SESSION, 26TH LEGISLATURE, ONTARIO
9-10 ELIZABETH II, 1960-61

**An Act to amend
The Municipality of Metropolitan Toronto Act**

MR. WARRENDER

BILL 110

1960-61

**An Act to amend
The Municipality of Metropolitan Toronto Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 17 of *The Municipality of Metropolitan Toronto Act* is amended by striking out "190" in the first line, R.S.O. 1960, c. 260, s. 17, amended so that subsection 1 of the said section 17 shall read as follows:

(1) Sections 192, 193, 195, 197, 198, 199, 244, 253 Application of R.S.O. 1960, c. 249 and 275 to 280 of *The Municipal Act* apply *mutatis mutandis* to the Metropolitan Corporation.

(2) The said section 17 is further amended by adding R.S.O. 1960, c. 260, s. 17, amended thereto the following subsection:

(2) Sections 190 and 198a of *The Municipal Act* apply Idem *mutatis mutandis* to the Metropolitan Council and to every local board of the Metropolitan Corporation.

2. Section 122 of *The Municipality of Metropolitan Toronto Act* is amended by striking out "\$50,000" in the second line R.S.O. 1960, c. 260, s. 122, amended and inserting in lieu thereof "\$80,000", so that the section shall read as follows:

122. The Metropolitan Council may make an annual grant of not more than \$80,000 to the Toronto Transit Commission toward the cost of providing Grants re free transportation for blind, etc. free transportation for blind persons and war amputees.

3. Subsection 2 of section 123 of *The Municipality of Metropolitan Toronto Act* is amended by striking out "any such buildings or structures" in the fourth line and inserting R.S.O. 1960, c. 260, s. 123, subs. 2, amended in lieu thereof "subway stations", so that the subsection shall read as follows:

Application

- (2) Subsection 1 does not apply to lands and buildings and structures thereon used as car yards or shops for or in connection with such Subway nor to concessions operated, rented or leased in subway stations.

R.S.O. 1960,
c. 260, s. 135,
subs. 6,
re-enacted

4. Subsection 6 of section 135 of *The Municipality of Metropolitan Toronto Act* is repealed and the following substituted therefor:

Wards of
Children's
Aid
Society

- (6) Where a child,

- (a) who is a ward of The Metropolitan Toronto Children's Aid Society or whose mother is his sole support; and
- (b) who has the right to attend a public or secondary school in an area municipality without payment of a fee,

resides in the Metropolitan Area, he has the same right to attend a school without payment of a fee as he would have if his residence was that of his parents or guardians and, if he does so attend, he shall be deemed for all purposes to be a resident pupil of the public school division or secondary school district in which he resides.

R.S.O. 1960,
c. 260, s. 139,
amended

5. Section 139 of *The Municipality of Metropolitan Toronto Act* is amended by adding thereto the following subsection:

School tax
assistance
grants

- (2a) The residential and farm school tax assistance grant shall be paid to each board of education in the Metropolitan Area.

R.S.O. 1960,
c. 260,
amended

6. *The Municipality of Metropolitan Toronto Act* is amended by adding thereto the following section:

Acquisition
of school
sites by
School
Board

- 145a.—(1) If it appears to the School Board that the erection of a school for pupils from more than one public school division or high school district in the Metropolitan Area is or will be desirable, the School Board may acquire land for the school site by purchase or otherwise or by expropriation.

Borrowing

- (2) The Metropolitan Council may borrow money at the request of the School Board for the purpose of acquiring land under subsection 1 and the School Board shall pay the interest charges on the amount borrowed as they fall due and shall repay the principal sum within five years from the date it was made available to it.

- (3) Upon being reimbursed for all expenses, including interest charges on money borrowed under subsection 2, actually incurred in acquiring and holding the land less any revenue received therefrom, the School Board may convey the land to a board of education having jurisdiction in one of the divisions or districts from which pupils will attend the school when erected. Transfer to board of education
- (4) The School Board may sell land acquired under subsection 1 if it appears to the School Board that such land will not be required for the erection of a school and may lease or rent such land at any time if it appears to the School Board that it is not immediately so required. Disposition
- (5) Part VI of *The Schools Administration Act* applies to the expropriation of land under this section and to the compensation to be paid for land so expropriated. Application of R.S.O. 1960, c. 361, to expropriation
- (6) All land acquired under subsection 1, so long as it is held by the School Board, is subject to municipal assessment and taxation in the municipality in which it is situated. Assessment and taxation

7. Section 157 of *The Municipality of Metropolitan Toronto Act* is amended by adding thereto the following subsection: R.S.O. 1960, c. 260, s. 157, amended

- (6) The Metropolitan Corporation may pay to the local board of health of any area municipality the whole or any part of the cost incurred by such local board for dairy farm inspections made after the 31st day of December, 1960. Dairy farm inspections

8. Clause *a* of subsection 2 of section 159 of *The Municipality of Metropolitan Toronto Act* is amended by striking out "member of the Metropolitan Council as is" in the third and fourth lines and inserting in lieu thereof "person or persons as may be", so that the clause shall read as follows: R.S.O. 1960, c. 260, s. 159, subs. 2, cl. a, amended

- (a) the authorization in the prescribed form referred to in clause *e* of that section shall be signed by the chairman or by such other person or persons as may be designated by resolution of the Metropolitan Council.

9. Section 223 of *The Municipality of Metropolitan Toronto Act* is amended by adding thereto the following subsections: R.S.O. 1960, c. 260, s. 223, amended

Metropolitan
Corporation
a municipality
under R.S.O.
1960, c. 285

- (3) The Metropolitan Corporation shall be deemed to be a municipality for the purposes of *The Parks Assistance Act*.

Park lands
owned by
Metropolitan
Conservation
Authority

- (4) Where, under an agreement with The Metropolitan Toronto and Region Conservation Authority, lands vested in the Authority are managed and controlled by the Metropolitan Corporation, the Metropolitan Corporation may,

(a) exercise all or any of the powers conferred on it under subsection 1 in respect of such lands;

(b) lay out, construct and maintain roads on such lands and, with the consent of the area municipality in which such lands, or any part thereof, are situate, assume the maintenance of existing roads on such lands, or any part thereof;

R.S.O. 1960,
c. 172

(c) subject to *The Highway Traffic Act*, regulate traffic on such roads and prescribe the rate of speed for motor vehicles driven on such roads in accordance with subsection 4 of section 59 of *The Highway Traffic Act*;

(d) notwithstanding the provisions of any other Act, exempt from municipal taxation any such lands for so long as they are managed and controlled by the Metropolitan Corporation and used for park purposes.

Tax
exemption

- (5) An exemption from taxes under subsection 4 shall be deemed to have the same effect as an exemption from taxes under section 4 of *The Assessment Act*.

R.S.O. 1960,
c. 23

R.S.O. 1960,
c. 260, s. 226,
amended **10.** Section 226 of *The Municipality of Metropolitan Toronto Act* is amended by adding thereto the following subsection:

Ferry
service

- (7) Notwithstanding any other provision in this Act, the Metropolitan Corporation may establish, maintain and operate a ferry service for providing access to the lands vested in the Metropolitan Corporation under this section for so long as such lands or any part thereof remain so vested and are used for park purposes, and, for such purposes, the Metropolitan Corporation may assume the rights, equipment and other assets of the Toronto Transit Commission used in providing such service subject only to the payment of any outstanding liability in respect thereto and

such adjustment as the Metropolitan Corporation may determine and may enter into agreements with any person with respect to the provision of such service.

11. Subsection 1 of section 232 of *The Municipality of Metropolitan Toronto Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 260, s. 232,
subs. 1,
re-enacted

- (1) The Metropolitan Council, or The Metropolitan School Board with the approval of the Metropolitan Council, may in each year, if authorized by a two-thirds vote of the members present at a meeting of the Metropolitan Council or the School Board, as the case may be, provide in the estimates for the establishment or maintenance of a reserve fund for any purpose for which it has authority to spend funds. Reserve
funds

12. Section 236 of *The Municipality of Metropolitan Toronto Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 260, s. 236,
amended

- (4) Upon any application, the Municipal Board may direct that the applicant give, by registered mail, to the persons mentioned in subsection 2, notice of the application including a requirement that the Metropolitan Corporation or any area municipality file with the applicant within such time as may be specified by the Municipal Board any objection to the application, and, if no such objection is filed within the time specified, the Municipal Board may dispense with the public hearing. Idem

13. Subsection 8 of section 255 of *The Municipality of Metropolitan Toronto Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 260, s. 255,
subs. 8,
re-enacted

- (8) By-laws may be passed by the Metropolitan Council, Emergency
measures
civil
defence
 - (a) for the establishment and maintenance of emergency measures civil defence organizations in the Metropolitan Area; and
 - (b) for providing moneys for emergency measures and civil defence, for the purposes of emergency measures civil defence organizations and for the cost of the operation of such organizations, and for other similar work in the Metropolitan Area,

R.S.O. 1960,
c. 249

and, when a by-law passed under this subsection is in force in the Metropolitan Area, any by-law passed by the council of an area municipality under sub-clauses ii and iii of clause *b* of section 378 of *The Municipal Act* has no effect.

R.S.O. 1960,
c. 260, s. 257,
re-enacted

14. Section 257 of *The Municipality of Metropolitan Toronto Act* is repealed and the following substituted therefor:

Garbage
disposal

257.—(1) The Metropolitan Corporation may acquire, use or occupy land and may erect, maintain and operate buildings, structures and machinery for the purposes of dumping and disposing of garbage, refuse and domestic or industrial waste of any kind and may regulate the dumping and disposing of garbage, refuse and domestic or industrial waste of any kind upon such land and charge fees therefor.

Approval of
municipality

(2) The powers conferred by subsection 1 shall not be exercised without the approval of the area municipality in which the land is situate or the dumping and disposal operations are to be carried on.

Grants

15. The Metropolitan Council may make the following grants:

1. \$2,000 to the Tunnel Tragedy Fund.
2. \$50,000 to the Toronto Association of Occupational Therapy, toward the cost of a new Toronto rehabilitation centre.
3. \$10,000 to the Elizabeth Fry Society.
4. \$1,000 to the Community Planning Association of Canada, Ontario Division.
5. \$50,000 to the Salvation Army, toward the cost of a rehabilitation centre for alcoholics.
6. \$25,000 to the St. Alban's Boys Sports Club Incorporated.
7. \$100,000 to the Scott Mission Incorporated, toward the cost of construction of a new building.
8. \$100,000 to the building fund of The Metropolitan Toronto Association for Retarded Children.

9. \$15,000 to the Catholic Children's Aid Society of Metropolitan Toronto toward the cost of renovating the Neil McNeil property of the Society.

16. The Metropolitan Corporation may acquire land in connection with the Lawrence Heights Project in the Township of North York and may grant assistance not exceeding \$60,000 toward the total cost of the acquisition of the land and the construction of a community centre thereon. ^{Assistance toward community centre re Lawrence Heights Project}

17.—(1) This Act, except paragraphs 1, 4, 6 and 7 of section 15, comes into force on the day it receives Royal Assent. ^{Commencement}

(2) Paragraphs 1, 4, 6 and 7 of section 15 shall be deemed to have come into force on the 1st day of January, 1960. ^{Idem}

18. This Act may be cited as *The Municipality of Metro-politan Toronto Amendment Act, 1960-61*. ^{Short title}

An Act to amend The Municipality
of Metropolitan Toronto Act

1st Reading

March 13th, 1961

2nd Reading

March 16th, 1961

3rd Reading

March 29th, 1961

MR. WARRENDER

BILL 111

**2ND SESSION, 26TH LEGISLATURE, ONTARIO
9-10 ELIZABETH II, 1960-61**

An Act respecting Ophthalmic Dispensers

MR. DYMOND

EXPLANATORY NOTE

Heretofore *The Optometry Act* has governed both optometrists (those who test eyes) and opticians (those who dispense eye-glasses).

The purpose of this Bill and Bill 112, *An Act to amend The Optometry Act*, is to separate the two groups by giving each its own governing Act.

The Optometry Act will deal with optometrists and this new Act will deal with opticians, now to be called "ophthalmic dispensers".

BILL 111

1960-61

An Act respecting Ophthalmic Dispensers

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Board" means the Board of Ophthalmic Dispensers under this Act;
- (b) "ophthalmic appliances" means lenses, spectacles, eye-glasses, artificial eyes, contact lenses or appurtenances thereto for the aid or correction of visual or ocular anomalies of the eyes;
- (c) "ophthalmic dispenser" means a person registered under this Act;
- (d) "ophthalmic dispensing" means,
 - (i) supplying, preparing and dispensing ophthalmic appliances,
 - (ii) interpreting prescriptions of legally qualified medical practitioners and optometrists, and
 - (iii) the fitting, adjusting and adapting of ophthalmic appliances to the human face and eyes in accordance with the prescriptions of legally qualified medical practitioners and optometrists;
- (e) "registrar" means the registrar of the Board;
- (f) "regulations" means the regulations made under this Act.

Appoint-
ment of
Board

2.—(1) The Lieutenant Governor in Council may appoint a board consisting of not fewer than five members to be known as the Board of Ophthalmic Dispensers.

Term of
office

(2) Every member of the Board shall hold office for a period of two years, but any member is eligible for re-appointment at the expiration of his term of office.

Vacancies

(3) Every vacancy on the Board caused by the death, resignation or incapacity of a member may be filled by the Lieutenant Governor in Council by the appointment of a person to hold office for the remainder of the term of such member.

Election
of Board

3.—(1) Notwithstanding section 2, the Lieutenant Governor in Council may prescribe the constitution of the Board and provide for the election of its members by and from ophthalmic dispensers on a geographical basis or otherwise.

Repeal
of s. 2

(2) As soon as the Board has been elected under this section, section 2 shall be deemed to be repealed.

Officers

4. The chairman, vice-chairman and secretary-treasurer of the Board shall be elected by the members of the Board from among themselves.

Status and
function
of Board

5. The Board is a corporation and it shall administer and enforce this Act and the regulations.

By-laws

6. The Board may pass by-laws providing for,

- (a) the calling and conduct of its meetings and proceedings;
- (b) the remuneration and expenses of persons employed by the Board while engaged upon the business of the Board;
- (c) the appointment and remuneration of teachers, examiners, inspectors and such other persons as the Board may employ, and prescribing the duties of such persons;
- (d) banking and finance and management of its property;
- (e) entering into an agreement or agreements with any university, school or college for such instruction, direction and lectures as may be necessary for the purposes of this Act;

(f) all other matters reasonably necessary for carrying out the provisions of this Act.

7. Every applicant for registration as an ophthalmic dispenser who furnishes satisfactory evidence that he, Registration requirements

(a) is over twenty-one years of age and is of good moral character; and

(b) has either,

(i) completed a course of study in a school of ophthalmic dispensing approved under the regulations and has had practical training for one year in Canada with an ophthalmic dispenser or optometrist; or

(ii) completed at least three years satisfactory training and experience in ophthalmic dispensing, at least one of which three years was in Canada, under the supervision of a legally qualified medical practitioner, wholesale optical company, ophthalmic dispenser or optometrist;

(c) has passed the examinations of the Board; and

(d) has paid the prescribed fee,

shall be registered as an ophthalmic dispenser.

8. Any person who has practised as an ophthalmic dispenser in Ontario for a period of at least three years and an ophthalmologist so certifies shall, if he applies within one year after this Act comes into force and pays the prescribed fee, be registered as an ophthalmic dispenser. Present practitioners

9. The Board shall register every optician licensed under *The Optometry Act* when this Act comes into force, upon payment of the prescribed fee. Licensed opticians R.S.O. 1960, c. 283

10.—(1) The registrar shall keep a register of all ophthalmic dispensers, showing their places of business or employment from time to time. Register

(2) When the registrar is satisfied that an applicant for registration is entitled to be registered, he shall enter the name of the applicant in the register and shall issue a certificate of registration to the applicant. Idem

Idem

(3) If an application for registration is refused by the registrar or an entry is made in the register in error or by reason of misrepresentation, the Board may direct that the necessary entry, erasure or amendment be made in the register and the registrar shall make such entry, erasure or amendment.

Renewal of certificate

11. Every certificate of registration shall be renewed annually at such times and upon such conditions and the payment of such fee as are prescribed by the regulations.

Use of "optician", etc.

12. No person, other than an ophthalmic dispenser, shall assume or use the title "optician" or "ophthalmic dispenser".

Un-authorized practice prohibited

13. Except as otherwise provided in this Act, no person, other than an ophthalmic dispenser, shall,

- (a) practise ophthalmic dispensing;
- (b) prepare or dispense prescriptions of legally qualified medical practitioners or optometrists for ophthalmic appliances; or
- (c) offer for sale or sell ophthalmic appliances.

Where prescription required, exception

14. No ophthalmic dispenser shall supply or dispense an ophthalmic appliance except upon a prescription therefor of a legally qualified medical practitioner or an optometrist, but an ophthalmic dispenser may supply and dispense duplications, replacements, reproductions or repetitions of any ophthalmic appliance.

Suspension and revocation of certificate

15.—(1) The Board may by order suspend or revoke the certificate of registration of any ophthalmic dispenser whom it finds has been guilty of unprofessional conduct as defined by the regulations, or of incompetency, fraud or misrepresentation in connection with his practice of ophthalmic dispensing.

Public hearing

(2) Before suspending or revoking the certificate of registration of an ophthalmic dispenser under subsection 1, the Board shall, by notice in writing, advise him of the complaint or charge that has been made against him and shall provide him with an opportunity of appearing before the Board at a public hearing and of presenting such evidence and making such representations as he may desire.

Review

(3) The Board may review at any time any order made under this section and may make such further order as it deems proper.

(4) A copy of any order made under this section shall be served on the person affected. Service of order

16.—(1) Any person affected by an order made under section 15 may appeal therefrom to a judge of the county or district court of the county or district in which he practises. Appeal

(2) Notice of appeal shall be given in writing within two weeks after service of the copy of the order of the Board on the person affected by filing a copy thereof with the clerk of the court and serving a copy thereof on the registrar. Notice of appeal

(3) The appellant shall apply to the judge to fix a date for the hearing of the appeal, and shall forthwith serve on the registrar notice of the date so fixed. Date of hearing

(4) The appellant may appear on the appeal in person or by counsel, and the Board may appear by any member thereof or by counsel. Appearances

(5) The hearing of the appeal shall be a trial *de novo* and the judge may hear all such evidence as he deems to be relevant, and may affirm the order of the Board, or amend it and affirm it as amended, or set it aside. Trial de novo

17. Every person who contravenes any of the provisions of this Act is guilty of an offence and on summary conviction is liable to a fine of not less than \$50 and not more than \$500. Offences

18. All fines recovered for offences against this Act shall be paid to the registrar for the use of the Board. Disposition of fines

19. Nothing in this Act applies to a duly qualified medical practitioner or an optometrist. Saving as to physicians and optometrists

20. Nothing in this Act prevents, Saving as to certain practices

(a) the practice of ophthalmic dispensing by a retail merchant at his ordinary place of business or the carrying on therein of an optical department, if an ophthalmic dispenser is in charge of the practice or of the optical department; or

(b) the sale of protective glasses for industrial purposes, coloured glasses not embodying any ophthalmic corrective lens or lenses, goggles or simple magnifying glasses not sold or devised for the relief or correction of any visual or muscular error or defect of the eye.

Prices, etc.,
not to be
controlled

21. Nothing in this Act authorizes the Board to regulate, control or interfere with the prices that may be charged for ophthalmic appliances or the terms upon which the charges or fees may be paid.

Regulations

22. The Board, subject to the approval of the Lieutenant Governor in Council, may make regulations,

- (a) prescribing the requirements for admission to schools of ophthalmic dispensing and the courses of instruction therein;
- (b) providing for the holding of examinations for candidates for registration as ophthalmic dispensers who are in attendance at or graduates of schools of ophthalmic dispensing;
- (c) governing the registration of candidates for registration as ophthalmic dispensers and the suspension and cancellation of the registration of ophthalmic dispensers and the issue and renewal of certificates of registration;
- (d) defining unprofessional conduct for the purposes of this Act;
- (e) prescribing fees for the examination of candidates for registration as ophthalmic dispensers and for the registration thereof and for the renewal of certificates of registration;
- (f) prescribing the fees and expenses payable to members of the Board while carrying on their duties under this Act;
- (g) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

Commence-
ment

23. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

24. This Act may be cited as *The Ophthalmic Dispensers Act, 1960-61*.

An Act respecting Ophthalmic Dispensers

1st Reading

March 14th, 1961

2nd Reading

3rd Reading

MR. DYMOND

BILL 111

2NDND SESSION, 26TH LEGISLATURE, ONTARIO
9-10 ELIZABETH II, 1960-61

An Act respecting Ophthalmic Dispensers

MR. DYMOND

TORONTO

PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

ONTARIO

An Act respecting Ophthalmic Dispensers

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Board" means the Board of Ophthalmic Dispensers under this Act;
- (b) "ophthalmic appliances" means lenses, spectacles, eye-glasses, artificial eyes, contact lenses or appurtenances thereto for the aid or correction of visual or ocular anomalies of the eyes;
- (c) "ophthalmic dispenser" means a person registered under this Act;
- (d) "ophthalmic dispensing" means,
 - (i) supplying, preparing and dispensing ophthalmic appliances,
 - (ii) interpreting prescriptions of legally qualified medical practitioners and optometrists, and
 - (iii) the fitting, adjusting and adapting of ophthalmic appliances to the human face and eyes in accordance with the prescriptions of legally qualified medical practitioners and optometrists;
- (e) "registrar" means the registrar of the Board;
- (f) "regulations" means the regulations made under this Act.

Appointment of Board

2.—(1) The Lieutenant Governor in Council may appoint a board consisting of not fewer than five members to be known as the Board of Ophthalmic Dispensers.

Term of office

(2) Every member of the Board shall hold office for a period of two years, but any member is eligible for re-appointment at the expiration of his term of office.

Vacancies

(3) Every vacancy on the Board caused by the death, resignation or incapacity of a member may be filled by the Lieutenant Governor in Council by the appointment of a person to hold office for the remainder of the term of such member.

Election of Board

3.—(1) Notwithstanding section 2, the Lieutenant Governor in Council may prescribe the constitution of the Board and provide for the election of its members by and from ophthalmic dispensers on a geographical basis or otherwise.

Repeal of s. 2

(2) As soon as the Board has been elected under this section, section 2 shall be deemed to be repealed.

Officers

4. The chairman, vice-chairman and secretary-treasurer of the Board shall be elected by the members of the Board from among themselves.

Status and function of Board

5. The Board is a corporation and it shall administer and enforce this Act and the regulations.

By-laws

6. The Board may pass by-laws providing for,

- (a) the calling and conduct of its meetings and proceedings;
- (b) the remuneration and expenses of persons employed by the Board while engaged upon the business of the Board;
- (c) the appointment and remuneration of teachers, examiners, inspectors and such other persons as the Board may employ, and prescribing the duties of such persons;
- (d) banking and finance and management of its property;
- (e) entering into an agreement or agreements with any university, school or college for such instruction, direction and lectures as may be necessary for the purposes of this Act;

- (f) all other matters reasonably necessary for carrying out the provisions of this Act.

7. Every applicant for registration as an ophthalmic dispenser who furnishes satisfactory evidence that he, Registration requirements

(a) is over twenty-one years of age and is of good moral character; and

(b) has either,

(i) completed a course of study in a school of ophthalmic dispensing approved under the regulations and has had practical training for one year in Canada with an ophthalmic dispenser or optometrist; or

(ii) completed at least three years satisfactory training and experience in ophthalmic dispensing, at least one of which three years was in Canada, under the supervision of a legally qualified medical practitioner, wholesale optical company, ophthalmic dispenser or optometrist;

(c) has passed the examinations of the Board; and

(d) has paid the prescribed fee,

shall be registered as an ophthalmic dispenser.

8. Any person who has practised as an ophthalmic dispenser in Ontario for a period of at least three years and an ophthalmologist so certifies shall, if he applies within one year after this Act comes into force and pays the prescribed fee, be registered as an ophthalmic dispenser. Present practitioners

9. The Board shall register every optician licensed under *The Optometry Act* when this Act comes into force, upon payment of the prescribed fee. Licensed opticians R.S.O. 1960, c. 283

10.—(1) The registrar shall keep a register of all ophthalmic dispensers, showing their places of business or employment from time to time. Register

(2) When the registrar is satisfied that an applicant for registration is entitled to be registered, he shall enter the name of the applicant in the register and shall issue a certificate of registration to the applicant. Idem

Idem

(3) If an application for registration is refused by the registrar or an entry is made in the register in error or by reason of misrepresentation, the Board may direct that the necessary entry, erasure or amendment be made in the register and the registrar shall make such entry, erasure or amendment.

Renewal of certificate

11. Every certificate of registration shall be renewed annually at such times and upon such conditions and the payment of such fee as are prescribed by the regulations.

Use of "optician", etc.

12. No person, other than an ophthalmic dispenser, shall assume or use the title "optician" or "ophthalmic dispenser".

Un-authorized practice prohibited

13. Except as otherwise provided in this Act, no person, other than an ophthalmic dispenser, shall,

- (a) practise ophthalmic dispensing;
- (b) prepare or dispense prescriptions of legally qualified medical practitioners or optometrists for ophthalmic appliances; or
- (c) offer for sale or sell ophthalmic appliances.

Where prescription required, exception

14. No ophthalmic dispenser shall supply or dispense an ophthalmic appliance except upon a prescription therefor of a legally qualified medical practitioner or an optometrist, but an ophthalmic dispenser may supply and dispense duplications, replacements, reproductions or repetitions of any ophthalmic appliance.

Suspension and re-vocation of certificate

15.—(1) The Board may by order suspend or revoke the certificate of registration of any ophthalmic dispenser whom it finds has been guilty of unprofessional conduct as defined by the regulations, or of incompetency, fraud or misrepresentation in connection with his practice of ophthalmic dispensing.

Public hearing

(2) Before suspending or revoking the certificate of registration of an ophthalmic dispenser under subsection 1, the Board shall, by notice in writing, advise him of the complaint or charge that has been made against him and shall provide him with an opportunity of appearing before the Board at a public hearing and of presenting such evidence and making such representations as he may desire.

Review

(3) The Board may review at any time any order made under this section and may make such further order as it deems proper.

(4) A copy of any order made under this section shall be served on the person affected. Service of order

16.—(1) Any person affected by an order made under section 15 may appeal therefrom to a judge of the county or district court of the county or district in which he practises. Appeal

(2) Notice of appeal shall be given in writing within two weeks after service of the copy of the order of the Board on the person affected by filing a copy thereof with the clerk of the court and serving a copy thereof on the registrar. Notice of appeal

(3) The appellant shall apply to the judge to fix a date for the hearing of the appeal, and shall forthwith serve on the registrar notice of the date so fixed. Date of hearing

(4) The appellant may appear on the appeal in person or by counsel, and the Board may appear by any member thereof or by counsel. Appearances

(5) The hearing of the appeal shall be a trial *de novo* and the judge may hear all such evidence as he deems to be relevant, and may affirm the order of the Board, or amend it and affirm it as amended, or set it aside. Trial de novo

17. Every person who contravenes any of the provisions of this Act is guilty of an offence and on summary conviction is liable to a fine of not less than \$50 and not more than \$500. Offences

18. All fines recovered for offences against this Act shall be paid to the registrar for the use of the Board. Disposition of fines

19. Nothing in this Act applies to a duly qualified medical practitioner or an optometrist. Saving as to physicians and optometrists

20. Nothing in this Act prevents, Saving as to certain practices

(a) the practice of ophthalmic dispensing by a retail merchant at his ordinary place of business or the carrying on therein of an optical department, if an ophthalmic dispenser is in charge of the practice or of the optical department; or

(b) the sale of protective glasses for industrial purposes, coloured glasses not embodying any ophthalmic corrective lens or lenses, goggles or simple magnifying glasses not sold or devised for the relief or correction of any visual or muscular error or defect of the eye.

Prices, etc.,
not to be
controlled

21. Nothing in this Act authorizes the Board to regulate, control or interfere with the prices that may be charged for ophthalmic appliances or the terms upon which the charges or fees may be paid.

Regulations

22. The Board, subject to the approval of the Lieutenant Governor in Council, may make regulations,

- (a) prescribing the requirements for admission to schools of ophthalmic dispensing and the courses of instruction therein;
- (b) providing for the holding of examinations for candidates for registration as ophthalmic dispensers who are in attendance at or graduates of schools of ophthalmic dispensing;
- (c) governing the registration of candidates for registration as ophthalmic dispensers and the suspension and cancellation of the registration of ophthalmic dispensers and the issue and renewal of certificates of registration;
- (d) defining unprofessional conduct for the purposes of this Act;
- (e) prescribing fees for the examination of candidates for registration as ophthalmic dispensers and for the registration thereof and for the renewal of certificates of registration;
- (f) prescribing the fees and expenses payable to members of the Board while carrying on their duties under this Act;
- (g) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

Commence-
ment

23. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

24. This Act may be cited as *The Ophthalmic Dispensers Act, 1960-61*.



An Act respecting Ophthalmic Dispensers

1st Reading

March 14th, 1961

2nd Reading

March 15th, 1961

3rd Reading

March 29th, 1961

MR. DYMOND

BILL 112

**2ND SESSION, 26TH LEGISLATURE, ONTARIO
9-10 ELIZABETH II, 1960-61**

An Act to amend The Optometry Act

MR. DYMOND

EXPLANATORY NOTES

Section 1 (2), section 2 (1), sections 3, 4, 5 and 6, section 7 (1) and sections 8 and 9 of this Bill are complementary to Bill 111, *An Act respecting Ophthalmic Dispensers*. These amendments delete all references to opticians from the Act as they will come within the provisions of Bill 111, *An Act respecting Ophthalmic Dispensers*.

SECTION 1 (1) and (3). A definition of "dispense" is added to the Act in order to give the expression an appropriate meaning in the Act.

Also, the definition of "optometry" is re-enacted to bring it into line with the new definition of "dispense".

SECTION 2 (2). The expression "unprofessional conduct" is substituted for "disgraceful conduct" as being more appropriate.

BILL 112

1960-61

An Act to amend The Optometry Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 1 of *The Optometry Act* is amended by adding thereto the following clause: R.S.O. 1960,
c. 283, s. 1,
amended

(aa) "dispense" includes the taking of facial measurements, or supplying or adjusting or in any way fitting to the face any ophthalmic lens or lenses, contact lenses or spectacles or eye-glasses devised for the relief or correction of any visual or muscular error or defect of the eye.

(2) Clause *c* of the said section 1 is repealed.

R.S.O. 1960,
c. 283, s. 1,
cl. *c*,
repealed

(3) Clause *e* of the said section 1 is repealed and the following substituted therefor:

R.S.O. 1960,
c. 283, s. 1,
cl. *e*,
re-enacted

(e) "optometry" means the measurement of or the attempt to measure by any means, other than by the use of drugs, the refractive or muscular condition of the eye, the prescribing or dispensing of any ophthalmic lens or lenses or contact lenses or the prescribing or dispensing of any spectacles or eye-glasses or ocular calisthenics to any person for the relief or correction of any visual or muscular error or defect of the eye.

2.—(1) Clause *a* of subsection 1 of section 3 of *The Optometry Act* is amended by striking out "or opticians" in the third line, so that the clause shall read as follows: R.S.O. 1960,
c. 283, s. 3,
subs. 1, cl. *a*,
amended

(a) providing for a course of instruction in any technical school or other institution in Ontario for the training of persons to become optometrists.

R.S.O. 1960,
c. 283, s. 3,
subs. 1, cl. h,
amended

(2) Clause *h* of subsection 1 of the said section 3 is amended by striking out "disgraceful" in the first line and inserting in lieu thereof "unprofessional", so that the clause shall read as follows:

(*h*) defining unprofessional conduct for the purposes of this Act.

R.S.O. 1960,
c. 283, s. 4,
amended

3. Section 4 of *The Optometry Act* is amended by striking out "or optician" in the fourth line, so that the section shall read as follows:

Register

4. The Board shall provide a register which shall be kept by the secretary and in which shall be entered the name, address and qualification of every person registered as an optometrist in Ontario and every person who is the holder of a certificate of exemption.

R.S.O. 1960,
c. 283, s. 5,
amended

4. Section 5 of *The Optometry Act* is amended by striking out "or optician" in the seventh and eighth lines, so that the section shall read as follows:

Admission
to
registration

5. Every person who files with the secretary of the Board an application, verified by oath or by statutory declaration, stating therein that the applicant is more than twenty-one years of age, is of good moral character, and possesses the qualifications as to general education, training and experience prescribed by the regulations, may be admitted to examination by the Board as to his qualifications as an optometrist, and upon passing such examination shall be registered by the Board as possessing the qualifications required by this Act, and shall receive from the Board a certificate of such registration.

R.S.O. 1960,
c. 283, s. 6,
cl. a,
amended

5. Clause *a* of section 6 of *The Optometry Act* is amended by striking out "or optician" in the second line, so that the clause shall read as follows:

(*a*) on the 8th day of April, 1936, was carrying on business as an optometrist in Ontario.

R.S.O. 1960,
c. 283, s. 7,
subs. 1,
amended

6. Subsection 1 of section 7 of *The Optometry Act* is amended by striking out "disgraceful" in the third line and inserting in lieu thereof "unprofessional" and by striking out "or as an optician" in the fifth line, so that the subsection shall read as follows:

Suspension,
revocation

(1) The Board may by order suspend or revoke the certificate of registration or exemption of any person whom it finds has been guilty of unprofessional con-

SECTION 7 (2). The minimum penalties are increased.

duct as defined by the regulations, or of incompetency, fraud or misrepresentation in connection with the practice of optometry by such person.

7.—(1) Subsection 1 of section 8 of *The Optometry Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 283, s. 8,
subs. 1,
re-enacted

- (1) Every person, not being the holder of a certificate Offences under this Act or whose certificate is for the time being suspended or has been revoked, who practises optometry or appends to his name the term "optometrist" or any abbreviation thereof, or wilfully or falsely pretends to be, or wilfully or falsely takes or uses any name, title, addition, abbreviation or description implying or calculated to lead any person to believe that he is, or is recognized by law as, an optometrist, or that he is registered or possesses a certificate as an optometrist under this Act is guilty of an offence.

(2) Subsection 3 of the said section 8 is amended by striking out "\$10" in the third line and inserting in lieu thereof "\$25" R.S.O. 1960,
c. 283, s. 8,
subs. 3,
amended and by striking out "\$25" in the fourth line and inserting in lieu thereof "\$50", so that the subsection shall read as follows:

- (3) Every person who is guilty of an offence under this Penalties Act is on summary conviction liable for a first offence to a fine of not less than \$25 and not more than \$100 and for a second or subsequent offence to a fine of not less than \$50 and not more than \$500.

(3) The said section 8 is amended by adding thereto the following subsection: R.S.O. 1960,
c. 283, s. 8,
amended

- (4) All fines recovered for offences against this Act or Disposition
of fines the regulations shall be paid to the Board.

8. Subsection 1 of section 9 of *The Optometry Act* is amended R.S.O. 1960,
c. 283, s. 9,
subs. 1,
amended by striking out "and opticians" in the sixth and seventh lines, so that the subsection shall read as follows:

- (1) The Board may enter into agreements and arrange- Schools of
instruction ments with any recognized university in Ontario for the establishment of a faculty school and may make agreements and arrangements with schools and other educational institutions for the establishment of courses of study for persons seeking to qualify themselves to practise as optometrists and may establish and carry on its own schools of instruction and appoint such professors, lecturers, instructors, officers, servants and employees thereof as are deemed necessary.

R.S.O. 1960,
c. 283, s. 10,
subs. 1,
amended

9. Subsection 1 of section 10 of *The Optometry Act* is amended by inserting after "practitioner" in the second line "or to an ophthalmic dispenser", so that the subsection shall read as follows:

Exemption
from
operation
of Act

- (1) Nothing in this Act applies to a duly qualified medical practitioner or to an ophthalmic dispenser or to any person, firm or corporation carrying on business in Ontario as a *bona fide* wholesale manufacturer of optical goods who does not prescribe directly or indirectly by mail or through an agent or travelling salesman or otherwise in any manner whatsoever, any ophthalmic lens or spectacles or eye-glasses devised for the relief or correction of any visual or muscular error or defect of the eye.

Commence-
ment

10. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

11. This Act may be cited as *The Optometry Amendment Act, 1960-61*.

1st Reading

March 14th, 1961

2nd Reading

3rd Reading

MR. DYMOND

BILL 112

**2ND SESSION, 26TH LEGISLATURE, ONTARIO
9-10 ELIZABETH II, 1960-61**

An Act to amend The Optometry Act

MR. DYMOND

BILL 112

1960-61

An Act to amend The Optometry Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 1 of *The Optometry Act* is amended by adding thereto the following clause: R.S.O. 1960,
c. 283, s. 1,
amended

(aa) "dispense" includes the taking of facial measurements, or supplying or adjusting or in any way fitting to the face any ophthalmic lens or lenses, contact lenses or spectacles or eye-glasses devised for the relief or correction of any visual or muscular error or defect of the eye.

(2) Clause *c* of the said section 1 is repealed.

R.S.O. 1960,
c. 283, s. 1,
cl. *c*,
repealed

(3) Clause *e* of the said section 1 is repealed and the following substituted therefor: R.S.O. 1960,
c. 283, s. 1,
cl. *e*,
re-enacted

(e) "optometry" means the measurement of or the attempt to measure by any means, other than by the use of drugs, the refractive or muscular condition of the eye, the prescribing or dispensing of any ophthalmic lens or lenses or contact lenses or the prescribing or dispensing of any spectacles or eye-glasses or ocular calisthenics to any person for the relief or correction of any visual or muscular error or defect of the eye.

2.—(1) Clause *a* of subsection 1 of section 3 of *The Optometry Act* is amended by striking out "or opticians" in the third line, so that the clause shall read as follows: R.S.O. 1960
c. 283, s. 3,
subs. 1, cl. *a*,
amended

(a) providing for a course of instruction in any technical school or other institution in Ontario for the training of persons to become optometrists.

R.S.O. 1960,
c. 283, s. 3,
subs. 1, cl. h,
amended

(2) Clause *h* of subsection 1 of the said section 3 is amended by striking out "disgraceful" in the first line and inserting in lieu thereof "unprofessional", so that the clause shall read as follows:

(*h*) defining unprofessional conduct for the purposes of this Act.

R.S.O. 1960,
c. 283, s. 4,
amended

3. Section 4 of *The Optometry Act* is amended by striking out "or optician" in the fourth line, so that the section shall read as follows:

Register

4. The Board shall provide a register which shall be kept by the secretary and in which shall be entered the name, address and qualification of every person registered as an optometrist in Ontario and every person who is the holder of a certificate of exemption.

R.S.O. 1960,
c. 283, s. 5,
amended

4. Section 5 of *The Optometry Act* is amended by striking out "or optician" in the seventh and eighth lines, so that the section shall read as follows:

Admission
to
registration

5. Every person who files with the secretary of the Board an application, verified by oath or by statutory declaration, stating therein that the applicant is more than twenty-one years of age, is of good moral character, and possesses the qualifications as to general education, training and experience prescribed by the regulations, may be admitted to examination by the Board as to his qualifications as an optometrist, and upon passing such examination shall be registered by the Board as possessing the qualifications required by this Act, and shall receive from the Board a certificate of such registration.

R.S.O. 1960,
c. 283, s. 6,
cl. a,
amended

5. Clause *a* of section 6 of *The Optometry Act* is amended by striking out "or optician" in the second line, so that the clause shall read as follows:

(*a*) on the 8th day of April, 1936, was carrying on business as an optometrist in Ontario.

R.S.O. 1960,
c. 283, s. 7,
subs. 1,
amended

6. Subsection 1 of section 7 of *The Optometry Act* is amended by striking out "disgraceful" in the third line and inserting in lieu thereof "unprofessional" and by striking out "or as an optician" in the fifth line, so that the subsection shall read as follows:

Suspension,
revocation

(1) The Board may by order suspend or revoke the certificate of registration or exemption of any person whom it finds has been guilty of unprofessional con-

duct as defined by the regulations, or of incompetency, fraud or misrepresentation in connection with the practice of optometry by such person.

7.—(1) Subsection 1 of section 8 of *The Optometry Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 283, s. 8,
subs. 1,
re-enacted

- (1) Every person, not being the holder of a certificate Offences
under this Act or whose certificate is for the time
being suspended or has been revoked, who practises
optometry or appends to his name the term
“optometrist” or any abbreviation thereof, or wilfully
or falsely pretends to be, or wilfully or falsely takes
or uses any name, title, addition, abbreviation or
description implying or calculated to lead any person
to believe that he is, or is recognized by law as, an
optometrist, or that he is registered or possesses a
certificate as an optometrist under this Act is guilty
of an offence.

(2) Subsection 3 of the said section 8 is amended by striking R.S.O. 1960,
c. 283, s. 8,
subs. 3,
amended
out “\$10” in the third line and inserting in lieu thereof “\$25”
and by striking out “\$25” in the fourth line and inserting in
lieu thereof “\$50”, so that the subsection shall read as follows:

- (3) Every person who is guilty of an offence under this Penalties
Act is on summary conviction liable for a first offence
to a fine of not less than \$25 and not more than \$100
and for a second or subsequent offence to a fine of
not less than \$50 and not more than \$500.

(3) The said section 8 is amended by adding thereto the R.S.O. 1960,
c. 283, s. 8,
amended
following subsection:

- (4) All fines recovered for offences against this Act or Disposition
of fines
the regulations shall be paid to the Board.

8. Subsection 1 of section 9 of *The Optometry Act* is amended R.S.O. 1960,
c. 283, s. 9,
subs. 1,
amended
by striking out “and opticians” in the sixth and seventh lines,
so that the subsection shall read as follows:

- (1) The Board may enter into agreements and arrange- Schools of
instruction
ments with any recognized university in Ontario for
the establishment of a faculty school and may make
agreements and arrangements with schools and other
educational institutions for the establishment of
courses of study for persons seeking to qualify them-
selves to practise as optometrists and may establish
and carry on its own schools of instruction and
appoint such professors, lecturers, instructors, offi-
cers, servants and employees thereof as are deemed
necessary.

R.S.O. 1960,
c. 283, s. 10,
subs. 1,
amended

9. Subsection 1 of section 10 of *The Optometry Act* is amended by inserting after "practitioner" in the second line "or to an ophthalmic dispenser", so that the subsection shall read as follows:

Exemption
from
operation
of Act

- (1) Nothing in this Act applies to a duly qualified medical practitioner or to an ophthalmic dispenser or to any person, firm or corporation carrying on business in Ontario as a *bona fide* wholesale manufacturer of optical goods who does not prescribe directly or indirectly by mail or through an agent or travelling salesman or otherwise in any manner whatsoever, any ophthalmic lens or spectacles or eye-glasses devised for the relief or correction of any visual or muscular error or defect of the eye.

Commence-
ment

10. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

11. This Act may be cited as *The Optometry Amendment Act, 1960-61*.

1st Reading

March 14th, 1961

2nd Reading

March 15th, 1961

3rd Reading

March 29th, 1961

MR. DYMOND

BILL 113

**2ND SESSION, 26TH LEGISLATURE, ONTARIO
9-10 ELIZABETH II, 1960-61**

An Act to amend The Milk Industry Act

MR. GOODFELLOW

EXPLANATORY NOTE

The purpose of the Bill is to permit a marketing plan for milk for use in combinations of products.

Subsection 1 of section 36 of the Act provides for the obtaining of an injunction against a transporter or distributor for an offence against the Act. Section 12 of the Bill extends this provision to include processors.

BILL 113

1960-61

An Act to amend The Milk Industry Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Paragraph 12 of subsection 1 of section 1 of *The Milk Industry Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 239, s. 1,
subs. 1,
par. 12,
re-enacted

12. "fluid milk" means such class or classes of milk produced for sale to distributors for use in fluid milk products as are designated in the regulations.

(2) Paragraph 25 of subsection 1 of the said section 1 is repealed and the following substituted therefor: R.S.O. 1960,
c. 239, s. 1,
subs. 1,
par. 25,
re-enacted

25. "plan" means a plan that is in force under this Act to provide for the regulating or controlling of the marketing of,

(a) milk, fluid milk or cream;

(b) milk or cream to be manufactured into a milk product; or

(c) cheese,

or any class, portion or combination thereof.

(3) Subsection 2 of the said section 1 is repealed and the following substituted therefor: R.S.O. 1960,
c. 239, s. 1,
subs. 2,
re-enacted

- (2) The purpose and intent of this Act is to provide for the regulation and control in any or all respects of the marketing within the Province, including the prohibition of such marketing in whole or in part, of, Purpose
and intent

(a) milk, fluid milk or cream;

(b) milk or cream to be manufactured into a milk product; or

(c) cheese,

or any class, portion or combination thereof.

R.S.O. 1960,
c. 239, s. 4,
subs. 2,
re-enacted

2. Subsection 2 of section 4 of *The Milk Industry Act* is repealed and the following substituted therefor:

Members

(2) The board shall consist of at least five members.

R.S.O. 1960,
c. 239, s. 5,
subs. 7,
cl. 4,
re-enacted

3. Clause *d* of subsection 7 of section 5 of *The Milk Industry Act* is repealed and the following substituted therefor:

(d) require persons engaged in producing or marketing a regulated product to register their names, addresses and occupations with the Board or local board;

(dd) require persons engaged in producing or marketing a regulated product to furnish such information relating to the production or marketing of the regulated product as the Board or local board determines;

(ddd) appoint persons to inspect the books, records and premises of persons engaged in producing or marketing a regulated product.

R.S.O. 1960,
c. 239, s. 6,
subs. 1,
re-enacted

4.—(1) Subsection 1 of section 6 of *The Milk Industry Act* is repealed and the following substituted therefor:

Petition
for a plan

(1) Where the Board receives from any group of producers in Ontario a petition or request asking that a plan be established for the regulating or controlling of the marketing of milk, or fluid milk, or cream, or cheese, or milk or cream for manufacture into one or more milk products, or any class or portion or combination thereof, and, where the Board is of the opinion that the group of producers represents 15 per cent of the producers affected by the proposed plan, the Board shall investigate and consider the purposes of the proposed plan and matters relating to the marketing of the milk, or fluid milk, or cream, or cheese, or milk or cream for manufacture into one or more milk products, or any class or portion or combination thereof, as the case may be.

R.S.O. 1960,
c. 239, s. 6,
subs. 2,
amended

(2) Subsection 2 of the said section 6 is amended by inserting after "fluid milk" in the third line "or cream" and by inserting after "portion" in the fourth line "or combination", so that the subsection shall read as follows:

- (2) Notwithstanding subsection 1, if in the opinion of the Board a plan for the regulating or controlling of the marketing of milk, or fluid milk, or cream, or cheese, or milk or cream for manufacture into one or more milk products, or any class or portion or combination thereof, will be conducive to the more efficient production and marketing thereof, the Board may submit to a plebiscite of the producers thereof the question of favour of the plan.

(3) Subsection 6 of the said section 6 is amended by inserting after "fluid milk" in the second line "or cream" and by inserting after "portion" in the fourth line "or combination", so that the subsection, exclusive of the clauses, shall read as follows:

- (6) Where the Board submits or resubmits to a plebiscite of the producers of milk, or fluid milk, or cream, or cheese, or milk or cream for manufacture into one or more milk products, or any class or portion or combination thereof, or the producers of a regulated product, as the case may be, the question of favour of a proposed plan or an existing plan or an amendment of the purposes of an existing plan, the Board may make regulations,

.

(4) Subsection 9 of the said section 6 is amended by inserting after "fluid milk" in the second line "or cream" and by inserting after "portion" in the fourth line "or combination", so that the subsection shall read as follows:

- (9) Where the Board submits to a plebiscite of the producers of milk, or fluid milk, or cream, or cheese, or milk or cream for manufacture into one or more milk products, or any class or portion or combination thereof, or a regulated product the question of favour of a proposed plan or an existing plan or an amendment of the purposes of an existing plan, the Board may at the same time also submit any question relating to the controlling or regulating of the marketing of any such product or regulated product.

5.—(1) Clause *a* of subsection 1 of section 7 of *The Milk Industry Act* is amended by inserting after "fluid milk" in the third line "or cream" and by inserting after "portion" in the fifth line "or combination", so that the clause shall read as follows:

- (a) establishing, amending and revoking plans for control and regulation of the marketing within Ontario or any part thereof of milk, or fluid milk, or cream, or cheese, or milk or cream for manufacture into one or more milk products, or any class or portion or combination thereof, and constituting local boards to administer such plans.

R.S.O. 1960,
c. 239, s. 7,
subs. 1,
amended

- (2) Subsection 1 of the said section 7 is amended by adding thereto the following clause:

- (f) notwithstanding any other Act providing for,
- (i) the carrying out by the Board, or the local board or a trustee, of any or all of the powers of a marketing agency,
 - (ii) the vesting of the assets of a marketing agency in the Board, or the local board or a trustee,
 - (iii) the disposing of any or all of the assets of a marketing agency in such manner as is prescribed,

and, where any regulation made under this clause is in conflict with any by-law of the marketing agency, the regulation prevails.

R.S.O. 1960,
c. 239, s. 7,
subs. 2,
cl. b,
amended

- (3) Clause *b* of subsection 2 of the said section 7 is amended by inserting after "fluid milk" in the first line "or cream" and by inserting after "portion" in the third line "or combination", so that the clause shall read as follows:

- (b) milk, or fluid milk, or cream, or cheese, or milk or cream for manufacture into one or more milk products, or any class or portion or combination thereof; and

.

R.S.O. 1960,
c. 239, s. 8,
subs. 1,
amended

6. Subsection 1 of section 8 of *The Milk Industry Act* is amended by adding thereto the following paragraph:

- 17a. requiring that no charges, costs or expenses relating to the production or marketing of a regulated product shall be made other than those provided in the agreement or award in force for the marketing of the regulated product.

R.S.O. 1960,
c. 239, s. 9,
cl. a,
subcl. vi,
repealed

- 7.—(1) Subclause vi of clause *a* of section 9 of *The Milk Industry Act* is repealed.

(2) Clause *a* of the said section 9 is amended by adding thereto the following subclauses: R.S.O. 1960,
c. 239, s. 9,
cl. *a*,
amended

(x) to prohibit any producer from selling any regulated product to any person other than the marketing agency,

(xi) to prohibit any person from buying any regulated product from any person other than the marketing agency.

(3) Clause *b* of the said section 9 is amended by adding at the commencement thereof "subject to subsection 4", so that the clause shall read as follows: R.S.O. 1960,
c. 239, s. 9,
cl. *b*,
amended

(b) subject to subsection 4, vesting in any local board power to fix from time to time the service charges to be imposed by its marketing agency for the marketing of the regulated product.

(4) The said section 9 is amended by adding thereto the following clause: R.S.O. 1960,
c. 239, s. 9,
amended

(bb) vesting in any marketing agency power to pay to the local board from service charges imposed under subclause v of clause *a* its expenses in carrying out the purposes of the plan.

(5) Clause *c* of the said section 9 is amended by striking out "and less moneys to be paid to the local board for its expenses under subclause vi of clause *a*" in the fourth, fifth and sixth lines, so that the clause shall read as follows: R.S.O. 1960,
c. 239, s. 9,
cl. *c*,
amended

(c) vesting in any marketing agency power to pay to the producers the price or prices for the regulated product less service charges imposed under subclause v of clause *a* and to fix the times at which or within which such payments shall be made.

(6) The said section 9 is further amended by adding thereto the following clause: R.S.O. 1960,
c. 239, s. 9,
amended

(e) subject to the approval of the Board in writing, vesting in the marketing agency power to appoint persons as sub-agents of the marketing agency and to delegate such of its powers as it deems advisable to any sub-agent during the term of his appointment, and to cancel the appointment of a sub-agent.

(7) The said section 9 is further amended by adding thereto the following subsections: R.S.O. 1960,
c. 239, s. 9,
amended

Powers may
be limited

- (2) Any powers exercisable by a marketing agency may be limited as to time and place.

Board may
require in-
formation

- (3) The Board may from time to time, with respect to any regulated product, require the local board to furnish any information that the Board deems necessary to determine the operations of the local board or its marketing agency, and, without limiting the generality of the foregoing, may require the local board to furnish particulars of,

(a) the service charges fixed under clause *b* of subsection 1;

(b) the purposes for which the service charges are used and the amounts expended for each purpose;

(c) any proposed changes in the amounts of the service charges;

(d) operating deficits or profits and reserves of the local board or the marketing agency;

(e) property leased, owned or otherwise acquired or used by the local board or the marketing agency; and

(f) the purposes of the plan in effect for the marketing of the regulated product.

Maximum
service
charges

- (4) The Board may by order in respect of any regulated product require the local board to fix the service charges under clause *b* of subsection 1 at such amounts, or at amounts not exceeding such amounts, as the Board deems proper.

Powers of
Board re
plans

- (5) The Board may require any local board,

(a) to furnish to the Board particulars of any proposed change in the purposes of the plan at least ten days before the proposed change becomes effective;

(b) to carry out any purpose of the plan that the Board deems necessary or advisable;

(c) to vary any purpose of the plan as the Board deems advisable; and

- (d) to cease or desist from the carrying out of any purpose or proposed purpose of the plan that the Board deems unnecessary or inadvisable.

- (6) Except where a marketing agency is designated under paragraph 24 of subsection 1 of section 8, the Board may make regulations with respect to any regulated product vesting in the local board any or all of the powers mentioned in clauses *a*, *c*, *d* and *e* of subsection 1. Regulations to give local board powers of marketing agencies

- (7) Where the Board makes regulations under subsection 6, it may provide that the regulated product shall be marketed by or through the local board. Marketing of regulated product by local board

8. Section 12 of *The Milk Industry Act* is amended by adding thereto the following clause: R.S.O. 1960, c. 239, s. 12, amended

- (h) designating classes of producers.

9. Paragraphs 14 and 15 of section 17 of *The Milk Industry Act* are repealed and the following substituted therefor: R.S.O. 1960, c. 239, s. 17, pars. 14, 15, re-enacted

14. establishing classes of milk, fluid milk, cream, milk products, fluid milk products or milk or cream for manufacture into milk products;

15. establishing grades for milk, fluid milk, cream, milk or cream for manufacture into milk products or milk products, or any class thereof.

10. Section 22 of *The Milk Industry Act* is amended by striking out "28 and 29" in the first line and inserting in lieu thereof "and 28", so that the section shall read as follows: R.S.O. 1960, c. 239, s. 22, amended

22. Sections 23, 24, 25, 26, 27 and 28 apply to the marketing of fluid milk other than fluid milk in respect of which a plan is in force. Application of ss. 23-28

11. Section 29 of *The Milk Industry Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 239, s. 29, re-enacted

- 29.—(1) The Board may issue to a distributor a licence to sell or distribute fluid milk products in any designated distribution area or municipality or part thereof, shown on the licence. Distributor's areas may be restricted

- (2) A distributor shall not sell or deliver fluid milk products in any municipality or part thereof or distribution area that is not shown on his licence. Idem

R.S.O. 1960,
c. 239, s. 36,
subs. 1,
amended

12. Subsection 1 of section 36 of *The Milk Industry Act* is amended by inserting after "transporter" in the sixth, seventh and ninth lines "processor", so that the subsection shall read as follows:

Injunction
proceedings

- (1) Where it is made to appear from the material filed or evidence adduced that any offence against this Act or the regulations or any order, agreement or award made under this Act has been or is being committed, the Supreme Court or a judge thereof may, upon the application of the Board, enjoin any transporter, processor or distributor from carrying on business as a transporter, processor or distributor, absolutely or for such period as seems just, and any injunction *ipso facto* cancels the licence of the transporter, processor or distributor named in the order during the same period.

Commence-
ment

13. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

14. This Act may be cited as *The Milk Industry Amendment Act, 1960-61*.

An Act to amend
The Milk Industry Act

1st Reading

March 14th, 1961

2nd Reading

3rd Reading

MR. GOODFELLOW

BILL 113

2ND SESSION, 26TH LEGISLATURE, ONTARIO
9-10 ELIZABETH II, 1960-61

An Act to amend The Milk Industry Act

MR. GOODFELLOW

An Act to amend The Milk Industry Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Paragraph 12 of subsection 1 of section 1 of *The Milk Industry Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 239, s. 1,
subs. 1,
par. 12,
re-enacted

12. "fluid milk" means such class or classes of milk produced for sale to distributors for use in fluid milk products as are designated in the regulations.

(2) Paragraph 25 of subsection 1 of the said section 1 is repealed and the following substituted therefor: R.S.O. 1960,
c. 239, s. 1,
subs. 1,
par. 25,
re-enacted

25. "plan" means a plan that is in force under this Act to provide for the regulating or controlling of the marketing of,

(a) milk, fluid milk or cream;

(b) milk or cream to be manufactured into a milk product; or

(c) cheese,

or any class, portion or combination thereof.

(3) Subsection 2 of the said section 1 is repealed and the following substituted therefor: R.S.O. 1960,
c. 239, s. 1,
subs. 2,
re-enacted

- (2) The purpose and intent of this Act is to provide for the regulation and control in any or all respects of the marketing within the Province, including the prohibition of such marketing in whole or in part, of, Purpose
and intent

(a) milk, fluid milk or cream;

(b) milk or cream to be manufactured into a milk product; or

(c) cheese,

or any class, portion or combination thereof.

R.S.O. 1960,
c. 239, s. 4,
subs. 2,
re-enacted

2. Subsection 2 of section 4 of *The Milk Industry Act* is repealed and the following substituted therefor:

Members

(2) The board shall consist of at least five members.

R.S.O. 1960,
c. 239, s. 5,
subs. 7,
cl. d,
re-enacted

3. Clause *d* of subsection 7 of section 5 of *The Milk Industry Act* is repealed and the following substituted therefor:

(d) require persons engaged in producing or marketing a regulated product to register their names, addresses and occupations with the Board or local board;

(dd) require persons engaged in producing or marketing a regulated product to furnish such information relating to the production or marketing of the regulated product as the Board or local board determines;

(ddd) appoint persons to inspect the books, records and premises of persons engaged in producing or marketing a regulated product.

R.S.O. 1960,
c. 239, s. 6,
subs. 1,
re-enacted

4.—(1) Subsection 1 of section 6 of *The Milk Industry Act* is repealed and the following substituted therefor:

Petition
for a plan

(1) Where the Board receives from any group of producers in Ontario a petition or request asking that a plan be established for the regulating or controlling of the marketing of milk, or fluid milk, or cream, or cheese, or milk or cream for manufacture into one or more milk products, or any class or portion or combination thereof, and, where the Board is of the opinion that the group of producers represents 15 per cent of the producers affected by the proposed plan, the Board shall investigate and consider the purposes of the proposed plan and matters relating to the marketing of the milk, or fluid milk, or cream, or cheese, or milk or cream for manufacture into one or more milk products, or any class or portion or combination thereof, as the case may be.

R.S.O. 1960,
c. 239, s. 6,
subs. 2,
amended

(2) Subsection 2 of the said section 6 is amended by inserting after "fluid milk" in the third line "or cream" and by inserting after "portion" in the fourth line "or combination", so that the subsection shall read as follows:

- (2) Notwithstanding subsection 1, if in the opinion of the Board a plan for the regulating or controlling of the marketing of milk, or fluid milk, or cream, or cheese, or milk or cream for manufacture into one or more milk products, or any class or portion or combination thereof, will be conducive to the more efficient production and marketing thereof, the Board may submit to a plebiscite of the producers thereof the question of favour of the plan.

(3) Subsection 6 of the said section 6 is amended by inserting after "fluid milk" in the second line "or cream" and by inserting after "portion" in the fourth line "or combination", so that the subsection, exclusive of the clauses, shall read as follows:

- (6) Where the Board submits or resubmits to a plebiscite of the producers of milk, or fluid milk, or cream, or cheese, or milk or cream for manufacture into one or more milk products, or any class or portion or combination thereof, or the producers of a regulated product, as the case may be, the question of favour of a proposed plan or an existing plan or an amendment of the purposes of an existing plan, the Board may make regulations,

.

(4) Subsection 9 of the said section 6 is amended by inserting after "fluid milk" in the second line "or cream" and by inserting after "portion" in the fourth line "or combination", so that the subsection shall read as follows:

- (9) Where the Board submits to a plebiscite of the producers of milk, or fluid milk, or cream, or cheese, or milk or cream for manufacture into one or more milk products, or any class or portion or combination thereof, or a regulated product the question of favour of a proposed plan or an existing plan or an amendment of the purposes of an existing plan, the Board may at the same time also submit any question relating to the controlling or regulating of the marketing of any such product or regulated product.

5.—(1) Clause *a* of subsection 1 of section 7 of *The Milk Industry Act* is amended by inserting after "fluid milk" in the third line "or cream" and by inserting after "portion" in the fifth line "or combination", so that the clause shall read as follows:

- (a) establishing, amending and revoking plans for control and regulation of the marketing within Ontario or any part thereof of milk, or fluid milk, or cream, or cheese, or milk or cream for manufacture into one or more milk products, or any class or portion or combination thereof, and constituting local boards to administer such plans.

R.S.O. 1960,
c. 239, s. 7,
subs. 1,
amended

(2) Subsection 1 of the said section 7 is amended by adding thereto the following clause:

- (f) notwithstanding any other Act providing for,
- (i) the carrying out by the Board, or the local board or a trustee, of any or all of the powers of a marketing agency,
 - (ii) the vesting of the assets of a marketing agency in the Board, or the local board or a trustee,
 - (iii) the disposing of any or all of the assets of a marketing agency in such manner as is prescribed,

and, where any regulation made under this clause is in conflict with any by-law of the marketing agency, the regulation prevails.

R.S.O. 1960,
c. 239, s. 7,
subs. 2,
cl. b,
amended

(3) Clause *b* of subsection 2 of the said section 7 is amended by inserting after "fluid milk" in the first line "or cream" and by inserting after "portion" in the third line "or combination", so that the clause shall read as follows:

- (b) milk, or fluid milk, or cream, or cheese, or milk or cream for manufacture into one or more milk products, or any class or portion or combination thereof; and

.

R.S.O. 1960,
c. 239, s. 8,
subs. 1,
amended

6. Subsection 1 of section 8 of *The Milk Industry Act* is amended by adding thereto the following paragraph:

- 17a. requiring that no charges, costs or expenses relating to the production or marketing of a regulated product shall be made other than those provided in the agreement or award in force for the marketing of the regulated product.

R.S.O. 1960,
c. 239, s. 9,
cl. a,
subcl. vi,
repealed

7.—(1) Subclause vi of clause *a* of section 9 of *The Milk Industry Act* is repealed.

(2) Clause *a* of the said section 9 is amended by adding thereto the following subclauses:

R.S.O. 1960,
c. 239, s. 9,
cl. *a*,
amended

(x) to prohibit any producer from selling any regulated product to any person other than the marketing agency,

(xi) to prohibit any person from buying any regulated product from any person other than the marketing agency.

(3) Clause *b* of the said section 9 is amended by adding at the commencement thereof "subject to subsection 4", so that the clause shall read as follows:

R.S.O. 1960,
c. 239, s. 9,
cl. *b*,
amended

(b) subject to subsection 4, vesting in any local board power to fix from time to time the service charges to be imposed by its marketing agency for the marketing of the regulated product.

(4) The said section 9 is amended by adding thereto the following clause:

R.S.O. 1960,
c. 239, s. 9,
amended

(bb) vesting in any marketing agency power to pay to the local board from service charges imposed under subclause v of clause *a* its expenses in carrying out the purposes of the plan.

(5) Clause *c* of the said section 9 is amended by striking out "and less moneys to be paid to the local board for its expenses under subclause vi of clause *a*" in the fourth, fifth and sixth lines, so that the clause shall read as follows:

R.S.O. 1960,
c. 239, s. 9,
cl. *c*,
amended

(c) vesting in any marketing agency power to pay to the producers the price or prices for the regulated product less service charges imposed under subclause v of clause *a* and to fix the times at which or within which such payments shall be made.

(6) The said section 9 is further amended by adding thereto the following clause:

R.S.O. 1960,
c. 239, s. 9,
amended

(e) subject to the approval of the Board in writing, vesting in the marketing agency power to appoint persons as sub-agents of the marketing agency and to delegate such of its powers as it deems advisable to any sub-agent during the term of his appointment, and to cancel the appointment of a sub-agent.

(7) The said section 9 is further amended by adding thereto the following subsections:

R.S.O. 1960,
c. 239, s. 9,
amended

Powers may
be limited

- (2) Any powers exercisable by a marketing agency may be limited as to time and place.

Board may
require in-
formation

- (3) The Board may from time to time, with respect to any regulated product, require the local board to furnish any information that the Board deems necessary to determine the operations of the local board or its marketing agency, and, without limiting the generality of the foregoing, may require the local board to furnish particulars of,

(a) the service charges fixed under clause *b* of subsection 1;

(b) the purposes for which the service charges are used and the amounts expended for each purpose;

(c) any proposed changes in the amounts of the service charges;

(d) operating deficits or profits and reserves of the local board or the marketing agency;

(e) property leased, owned or otherwise acquired or used by the local board or the marketing agency; and

(f) the purposes of the plan in effect for the marketing of the regulated product.

Maximum
service
charges

- (4) The Board may by order in respect of any regulated product require the local board to fix the service charges under clause *b* of subsection 1 at such amounts, or at amounts not exceeding such amounts, as the Board deems proper.

Powers of
Board re
plans

- (5) The Board may require any local board,

(a) to furnish to the Board particulars of any proposed change in the purposes of the plan at least ten days before the proposed change becomes effective;

(b) to carry out any purpose of the plan that the Board deems necessary or advisable;

(c) to vary any purpose of the plan as the Board deems advisable; and

(d) to cease or desist from the carrying out of any purpose or proposed purpose of the plan that the Board deems unnecessary or inadvisable.

(6) Except where a marketing agency is designated under paragraph 24 of subsection 1 of section 8, the Board may make regulations with respect to any regulated product vesting in the local board any or all of the powers mentioned in clauses *a*, *c*, *d* and *e* of subsection 1. Regulations to give local board powers of marketing agencies

(7) Where the Board makes regulations under subsection 6, it may provide that the regulated product shall be marketed by or through the local board. Marketing of regulated product by local board

8. Section 12 of *The Milk Industry Act* is amended by adding thereto the following clause: R.S.O. 1960, c. 239, s. 12, amended

(h) designating classes of producers.

9. Paragraphs 14 and 15 of section 17 of *The Milk Industry Act* are repealed and the following substituted therefor: R.S.O. 1960, c. 239, s. 17, paras. 14, 15, re-enacted

14. establishing classes of milk, fluid milk, cream, milk products, fluid milk products or milk or cream for manufacture into milk products;

15. establishing grades for milk, fluid milk, cream, milk or cream for manufacture into milk products or milk products, or any class thereof.

10. Section 22 of *The Milk Industry Act* is amended by striking out "28 and 29" in the first line and inserting in lieu thereof "and 28", so that the section shall read as follows: R.S.O. 1960, c. 239, s. 22, amended

22. Sections 23, 24, 25, 26, 27 and 28 apply to the marketing of fluid milk other than fluid milk in respect of which a plan is in force. Application of ss. 23-28

11. Section 29 of *The Milk Industry Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 239, s. 29, re-enacted

29.—(1) The Board may issue to a distributor a licence to sell or distribute fluid milk products in any designated distribution area or municipality or part thereof, shown on the licence. Distributor's areas may be restricted

(2) A distributor shall not sell or deliver fluid milk products in any municipality or part thereof or distribution area that is not shown on his licence. Idem

R.S.O. 1960,
c. 239, s. 36,
subs. 1,
amended

12. Subsection 1 of section 36 of *The Milk Industry Act* is amended by inserting after "transporter" in the sixth, seventh and ninth lines "processor", so that the subsection shall read as follows:

Injunction
proceedings

- (1) Where it is made to appear from the material filed or evidence adduced that any offence against this Act or the regulations or any order, agreement or award made under this Act has been or is being committed, the Supreme Court or a judge thereof may, upon the application of the Board, enjoin any transporter, processor or distributor from carrying on business as a transporter, processor or distributor, absolutely or for such period as seems just, and any injunction *ipso facto* cancels the licence of the transporter, processor or distributor named in the order during the same period.

Commence-
ment

13. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

14. This Act may be cited as *The Milk Industry Amendment Act, 1960-61*.

An Act to amend
The Milk Industry Act

1st Reading

March 14th, 1961

2nd Reading

March 22nd, 1961

3rd Reading

March 29th, 1961

MR. GOODFELLOW

BILL 114

2ND SESSION, 26TH LEGISLATURE, ONTARIO
9-10 ELIZABETH II, 1960-61

**An Act to amend
The Ontario Highway Transport Board Act**

MR. ROWNTREE

EXPLANATORY NOTE

The amendment is to make it clear that an order of the Board includes a certificate of public necessity and convenience.

BILL 114

1960-61

An Act to amend
The Ontario Highway Transport Board Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 20 of *The Ontario Highway Transport Board Act* R.S.O. 1960, c. 273, s. 20, amended is amended by inserting after "order" in the fourth line "or certificate" and by inserting after "order" where it occurs the first time in the fifth line "or certificate", so that the section shall read as follows:

20. The Lieutenant Governor in Council may at any time upon petition of any party, all parties first having been given such notice as the Lieutenant Governor in Council deems appropriate, vary or rescind any order or certificate of the Board whether the order or certificate was made *inter partes* or otherwise, and any order that the Lieutenant Governor in Council makes with respect thereto is binding upon the Board and all parties. Lieutenant Governor may rescind orders of Board

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. This Act may be cited as *The Ontario Highway Transport Board Amendment Act, 1960-61*. Short title

An Act to amend
The Ontario Highway Transport Board Act

1st Reading

March 14th, 1961

2nd Reading

3rd Reading

MR. ROWNTREE

BILL 114

2ND SESSION, 26TH LEGISLATURE, ONTARIO
9-10 ELIZABETH II, 1960-61

An Act to amend The Ontario Highway Transport Board Act

MR. ROWNTREE

BILL 114

1960-61

**An Act to amend
The Ontario Highway Transport Board Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 20 of *The Ontario Highway Transport Board Act* R.S.O. 1960, c. 273, s. 20, amended is amended by inserting after "order" in the fourth line "or certificate" and by inserting after "order" where it occurs the first time in the fifth line "or certificate", so that the section shall read as follows:

20. The Lieutenant Governor in Council may at any time upon petition of any party, all parties first Lieutenant Governor may rescind orders of Board having been given such notice as the Lieutenant Governor in Council deems appropriate, vary or rescind any order or certificate of the Board whether the order or certificate was made *inter partes* or otherwise, and any order that the Lieutenant Governor in Council makes with respect thereto is binding upon the Board and all parties.

2. This Act comes into force on the day it receives Royal Commencement Assent.

3. This Act may be cited as *The Ontario Highway Transport Board Amendment Act, 1960-61*. Short title

An Act to amend
The Ontario Highway Transport Board Act

1st Reading

March 14th, 1961

2nd Reading

March 22nd, 1961

3rd Reading

March 29th, 1961

MR. ROWNTREE

BILL 115

2ND SESSION, 26TH LEGISLATURE, ONTARIO
9-10 ELIZABETH II, 1960-61

An Act to confirm an Agreement between The Massey Foundation and The Governors of the University of Toronto and to incorporate The Master and Fellows of Massey College

MR. ROBARTS

EXPLANATORY NOTE

This Bill confirms an Agreement between The Massey Foundation and The Governors of the University of Toronto which provides for the erection of a hall of residence to be known as Massey College on lands provided by the University to be owned and controlled by a corporation which is incorporated by this Act under the name of The Master and Fellows of Massey College.

An Act to confirm an Agreement between The Massey Foundation and The Governors of the University of Toronto and to incorporate The Master and Fellows of Massey College

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Agreement between The Massey Foundation and The Governors of the University of Toronto, set forth as the Schedule hereto, is hereby ratified and confirmed and declared to be valid and binding upon the parties thereto, and the parties are hereby authorized to carry out the terms thereof. Agreement authorized and confirmed

2. William Robertson Davies, B.Litt. (Oxon.), LL.D., D.Litt., The Right Honourable Vincent Massey, C.H., P.C., M.A. (Oxon.), LL.D., Litt.D., D.C.L., Claude Thomas Bissell, M.A., Ph.D., D.Litt., LL.D., F.R.S.C., Andrew Robertson Gordon, O.B.E., M.A., Ph.D., F.R.S.C., and Raymond Hart Massey, LL.D., Litt.D., D.Hum., D.F.A., and such other persons as may hereafter become Master and Fellows of Massey College, are hereby created a body corporate with perpetual succession and a common seal under the name of "The Master and Fellows of Massey College", hereinafter called the Corporation. The Master and Fellows of Massey College incorporated

3.—(1) There shall be a head of the Corporation who shall be known as "the Master". Master

(2) The first Master is William Robertson Davies, B.Litt. (Oxon.), LL.D., D.Litt., and his successors in that office shall be elected from time to time by the Fellows of Massey College, subject to a confirming appointment by the University of Toronto. First Master

4. The President of the University of Toronto and the Dean of the School of Graduate Studies of the University of Toronto are *ex officio* Fellows. Fellows, ex officio

Objects of
Corporation

5. The objects and purposes of the Corporation are the advancement of learning and,

- (a) to maintain a hall of residence to be known as Massey College, for the Junior Fellows of the Corporation who shall be men students registered in the School of Graduate Studies of the University of Toronto; and
- (b) to complement the functions of the University of Toronto by providing amenities and facilities for a community of scholars, both residential and non-residential,

but do not include the power to conduct teaching courses or to confer degrees.

Property

R.S.O. 1960,
c. 191

6. The Corporation has, subject to the Schedule hereto, in addition to the powers, rights and privileges mentioned in section 26 of *The Interpretation Act*, power to purchase or otherwise acquire, take or receive by gift, bequest or devise and to hold and enjoy any estate or property whatsoever, whether real or personal, and to sell, grant, convey, mortgage, lease or otherwise dispose of the same or any part thereof from time to time and as occasion may require and to acquire other estate or property in addition thereto or in place thereof without licence in mortmain and without limitation as to the period of holding.

Trust
property
vested in
Corporation

7. Subject to the Schedule hereto, all property, whether real or personal, heretofore or hereafter granted, conveyed, devised or bequeathed to any person in trust for or for the benefit of the Corporation, subject to any trusts affecting the same, shall be vested in the Corporation.

Tax
exemption

8. The property, real and personal, vested in the Corporation and any lands and premises leased to and occupied by the Corporation are not liable to taxation for provincial, municipal or school purposes, and are exempt from every description of taxation so long as they are actually used and occupied for the purposes of the Corporation.

Real
property of
Corporation
not liable to
exprop-
riation

9. Real property vested in the Corporation is not liable to be entered upon, used or taken by any municipal or other corporation or by any person possessing the right of taking real property compulsorily for any purpose, and no power to expropriate real property hereafter conferred extends to such property unless in the Act conferring the power it is made in express terms to apply thereto.

10. The Corporation has power to enact statutes and from time to time to repeal, re-enact and amend such statutes for the attainment of the objects and purposes of the Corporation and for the government and operation of Massey College relating to, Statutes of Corporation

- (a) the election of the Master by the Fellows and his term of office, provided that the election of the Master is subject to a confirming appointment by The Governors of the University of Toronto;
- (b) the election of Fellows and their term or terms of office and their qualification, except the President of the University of Toronto and the Dean of the School of Graduate Studies of the University of Toronto who are *ex officio* Fellows, provided that the Fellows shall act as such without remuneration;
- (c) the variation of the number of Fellows at any time and from time to time;
- (d) the election of a Visitor who, when elected, is a Fellow of the Corporation, and the duties, powers and privileges of the Visitor;
- (e) the making of rules and regulations pertaining to,
 - (i) the meetings of the Corporation,
 - (ii) the election of officers, including the Master,
 - (iii) the appointment of committees and the conferring upon any such committees of authority to act for the Corporation with respect to any matter,
 - (iv) the operation of Massey College,
 - (v) admission to residence and, subject to consultation with The Governors of the University of Toronto, the fixing of rates and charges;
- (f) the salaries and employment of servants;
- (g) the financing of the operation of Massey College;
- (h) the admission of Junior Fellows, including the settling of qualifications for admission and the privileges and restrictions relating to junior fellowships.

Investment
of funds

11. The Corporation has power to invest the funds of the Corporation not immediately required for the purposes of Massey College, subject to any trust or trusts affecting the same, in such investments as the Corporation may in its uncontrolled discretion consider advisable, and the Corporation is not limited to investments authorized by law for trustees, provided that the funds of the Corporation shall be applied for the attainment of the objects and purposes for which the Corporation and Massey College are founded.

Commence-
ment

12. This Act comes into force on the day it receives Royal Assent.

Short title

13. This Act may be cited as *The Master and Fellows of Massey College Act, 1960-61*.

SCHEDULE

THIS AGREEMENT made the 23rd day of February, one thousand nine hundred and sixty-one.

BETWEEN:

The Massey Foundation, hereinafter called "The Foundation",

OF THE FIRST PART,

— and —

The Governors of The University of Toronto, hereinafter called "The University",

OF THE SECOND PART.

WHEREAS The Foundation proposes to erect, furnish and equip a hall of residence to be known as Massey College, on lands provided by The University, to be owned and controlled by an independent corporation to be known as "The Master and Fellows of Massey College".

AND WHEREAS The University has approved the proposal of The Foundation and, subject to ratification of this Agreement by Act of the Ontario Legislature, is willing to provide the land required for the purposes of Massey College as described in Schedule "A" attached hereto, and The Foundation and The University are willing to assume and discharge the burdens imposed upon them respectively as hereinafter provided:

NOW THEREFORE THIS AGREEMENT WITNESSETH as follows:

1. The Foundation and The University shall jointly petition the Legislative Assembly of the Province of Ontario for the enactment of a statute ratifying this Agreement and creating a body corporate with perpetual succession and a common seal under the name of "The Master and Fellows of Massey College", (hereinafter sometimes called "The Corporation").

2. The University shall cause to be conveyed to The Corporation the lands and premises situate at the north west corner of Devonshire Place and Hoskin Avenue in the City of Toronto, more particularly described in Schedule "A" annexed hereto and made part hereof, cleared for building purposes, subject to the right of The University to remain in possession of the said lands and premises until the 31st day of July, 1961.

3. The Foundation shall, at its own expense, cause to be erected, furnished and equipped a building to be known as Massey College on the said lands and premises.

4. If at any time The Corporation should discontinue its use of the lands and premises of Massey College, the said lands and premises, together with any other lands and premises which may at any time hereafter be conveyed by The University to The Corporation, shall thereupon revert in The University, and any and all buildings and improvements which at such time stand upon the said lands and premises and the furnishings and equipment thereof or therein belonging to The Corporation shall at such time vest in The University and belong absolutely to The University without cost to The University and neither The Corporation nor The Foundation shall have any claim against The University or otherwise, in respect to their contribution to the cost of the said buildings, improvements, furnishings and equipment but in such event The University shall use the said buildings, improvements, furnishings and equipment in such manner as The University in its discretion may deem for the best advantage of The University for purposes consonant with the objects of The Corporation, but if in the opinion of The University it is impossible, inadvisable or impracticable to use the said buildings, improvements, furnishings or equipment for such purposes, then The University may use the same for such other purposes as it may determine.

5. The plans and specifications for any buildings to be erected by The Foundation on the said lands and premises, and for any buildings to be erected on any other land hereinafter conveyed by The University to The Corporation, shall be the subject of prior consultation with The University for its consent prior to the erection of any of the said buildings and any material alterations in the said plans and specifications during the process of erection of any of the said buildings shall likewise be the subject of prior consultation with The University, and no such buildings shall be erected and no such material alterations shall be made without prior consultation with and approval in writing by The University. The Foundation shall, however, have the sole and entire responsibility for the erection of any buildings on the said lands and premises in conformity with the said plans, specifications and alterations as approved by The University.

6. The prayer of the petition for the enactment of a statute of the Legislature of Ontario shall include *inter alia*, the following:

- (a) Incorporation as a body corporate under the name of "The Master and Fellows of Massey College" of the persons named in the petition who shall be selected jointly by The Foundation and The University, and such other persons as may thereafter become Master and Fellows of Massey College, the first Master and Fellows to be named jointly by The Foundation and The University;
- (b) provision for a head of Massey College who shall be known as "the Master", the first Master to be the person named in the said petition and his successors to be elected from time to time by the Fellows of Massey College, subject to a confirming appointment by The University. The Foundation may from time to time contribute to the funds of The Corporation;
- (c) the President of the University of Toronto and the Dean of the School of Graduate Studies of the University of Toronto shall be *ex officio* Fellows;
- (d) a statement of the objects and purposes of The Corporation which (without the power to conduct teaching courses or to confer degrees) shall be the advancement of learning and, *inter alia*:
 - (i) to maintain a hall of residence to be known as Massey College, for the Junior Fellows of The Corporation who shall be men students registered in the School of Graduate Studies of the University of Toronto;
 - (ii) to complement the functions of The University by providing amenities and facilities for a community of scholars, both residential and non-residential;
- (e) power to hold all lands at any time acquired by The Corporation in perpetuity, subject to the condition that if at any time The Corporation should discontinue its use of the lands and premises of Massey College, the said lands and premises, together with any other lands and premises which may at any time hereafter be conveyed by The University to The Corporation, shall thereupon revert in The University, and all buildings and improvements which at such time stand upon the said lands and premises, and the furnishings and equipment thereof or therein belonging to The Corporation shall at such time vest in The University and belong absolutely to The University without cost to The University and neither The Corporation nor The Foundation shall have any claim against The University or otherwise in respect of their contribution to the cost of the said buildings, improvements, furnishings and equipment, but in such event The University shall use the said buildings, improvements, furnishings and equipment in such manner as The University in its discretion may deem for the best advantage of The University for purposes consonant with the objects of The Corporation, but if in the opinion of The University it is im-

possible, inadvisable or impracticable to use the said buildings, improvements, furnishings or equipment for such purposes, then The University may use the same for such other purposes as it may determine;

- (f) exemption of property vested in The Corporation from taxation for provincial, municipal or school purposes, so long as the same is actually used and occupied for the purposes of The Corporation;
- (g) provision that real property vested in the Corporation shall not be liable to be entered upon, used or taken by any municipal or other corporation or by any person possessing the right of taking land compulsorily for any purpose and that no power to expropriate real property conferred subsequent to the enactment of such statute shall extend to such real property unless in the Act conferring the power it is made in express terms to apply thereto;
- (h) power in The Corporation to enact statutes and from time to time to repeal, re-enact and amend the same for the attainment of the objects and purposes of The Corporation and for the government and operation of Massey College and relating to:
 - (i) The election of the Master by the Fellows, and his term of office, provided that the election of the Master shall be subject to a confirming appointment by The University;
 - (ii) the election of Fellows and their term or terms of office and their qualification, except the President of the University of Toronto and the Dean of the School of Graduate Studies of the University of Toronto, who shall be *ex officio* Fellows, provided that the Fellows shall act as such without remuneration;
 - (iii) the variation of the number of Fellows at any time and from time to time;
 - (iv) provision for the election of a Visitor who shall be a Fellow of The Corporation and the making of statutes concerning the duties, powers and privileges of the Visitor;
 - (v) the making of rules and regulations pertaining to: The meetings of The Corporation; the election of officers, including the Master; the appointment of committees and the conferring upon any such committees authority to act for The Corporation with respect to any matter; the operation of Massey College; admission to residence; and, subject to consultation with The University, the fixing of rates and charges;
 - (vi) the salaries and employment of servants;
 - (vii) the financing of the operation of Massey College;
 - (viii) the admission of Junior Fellows, including the settling of qualifications for admission and the privileges and restrictions relating to junior fellowships;
- (i) power to receive gifts of money and property of any kind, to hold the same as trustees and, subject to any trust or trusts affecting the same, to apply the same or the proceeds thereof for the attainment of the objects and purposes of The Corporation, provided that if at any time The Corporation should discontinue its use of the lands and premises of Massey College, the balance of the funds then held by The Corporation shall, subject to any trust or trusts affecting the same, vest in The University, and The University shall apply such funds in its discretion for purposes consonant with the objects of The Corporation;

- (j) power to invest and reinvest the funds of The Corporation, not immediately required for the purposes of Massey College, subject to any trust or trusts affecting the same, in such investments as The Corporation may in its uncontrolled discretion consider advisable and The Corporation shall not be limited to investments authorized by law for trustees, provided that the funds of The Corporation shall be applied for the attainment of the objects and purposes for which The Corporation and Massey College is founded;
- (k) the annual budgets of The Corporation relating to Massey College shall be made available to The University.

7. The University shall and it hereby covenants that it will at its own expense:

- (a) maintain the fabric of the buildings of Massey College to be erected on the lands described in Schedule "A" hereto, effect repairs and renovations thereof and thereto and in general maintain the said buildings to the same extent as if they were buildings of The University;
- (b) supply or pay for the supply of heat, light, water, gas and power, fire and supplemental risks insurance, and such other maintenance services (other than the provision of cleaning staff and facilities), as may be required to enable Massey College to perform its functions.

8. The University shall advise with respect to the receipts and expenditures of Massey College and may pay and discharge from time to time any deficits arising from its operations.

IN WITNESS WHEREOF the parties have hereunto affixed their corporate seals, attested by the signatures of their proper officers in that behalf.

THE MASSEY FOUNDATION :

VINCENT MASSEY.

(Seal)

LIONEL MASSEY.

THE GOVERNORS OF THE UNIVERSITY
OF TORONTO :

W. ERIC PHILLIPS,
Chairman.

(Seal)

J. F. BROOK,
Secretary.

Schedule "A"

UNIVERSITY OF TORONTO AND MASSEY COLLEGE

DESCRIPTION OF LANDS

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the City of Toronto, in the County of York and being composed of all of Lots Nos. 1, 2 and 3 on the north side of Hoskin Avenue, and all of Lots Nos. 7 and 8 on the west side of Devonshire Place, and all of Lot No. 9 on the west side of Devonshire Place (save and except the northerly thirty feet (30') thereof throughout from front to rear); all according to a plan filed in the Registry Office for the City of Toronto as No. 101E.

An Act to confirm an Agreement between
The Massey Foundation and The Govern-
ors of the University of Toronto and to
incorporate The Master and Fellows of
Massey College

1st Reading

March 14th, 1961

2nd Reading

3rd Reading

MR. ROBARTS

BILL 115

2ND SESSION, 26TH LEGISLATURE, ONTARIO
9-10 ELIZABETH II, 1960-61

An Act to confirm an Agreement between The Massey Foundation and The Governors of the University of Toronto and to incorporate The Master and Fellows of Massey College

MR. ROBARTS

An Act to confirm an Agreement between The Massey Foundation and The Governors of the University of Toronto and to incorporate The Master and Fellows of Massey College

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Agreement between The Massey Foundation and The Governors of the University of Toronto, set forth as the Schedule hereto, is hereby ratified and confirmed and declared to be valid and binding upon the parties thereto, and the parties are hereby authorized to carry out the terms thereof.

2. William Robertson Davies, B.Litt. (Oxon.), LL.D., D.Litt., The Right Honourable Vincent Massey, C.H., P.C., M.A. (Oxon.), LL.D., Litt.D., D.C.L., Claude Thomas Bissell, M.A., Ph.D., D.Litt., LL.D., F.R.S.C., Andrew Robertson Gordon, O.B.E., M.A., Ph.D., F.R.S.C., and Raymond Hart Massey, LL.D., Litt.D., D.Hum., D.F.A., and such other persons as may hereafter become Master and Fellows of Massey College, are hereby created a body corporate with perpetual succession and a common seal under the name of "The Master and Fellows of Massey College", hereinafter called the Corporation.

3.—(1) There shall be a head of the Corporation who shall be known as "the Master".

(2) The first Master is William Robertson Davies, B.Litt. (Oxon.), LL.D., D.Litt., and his successors in that office shall be elected from time to time by the Fellows of Massey College, subject to a confirming appointment by the University of Toronto.

4. The President of the University of Toronto and the Dean of the School of Graduate Studies of the University of Toronto are *ex officio* Fellows.

Objects of
Corporation

5. The objects and purposes of the Corporation are the advancement of learning and,

- (a) to maintain a hall of residence to be known as Massey College, for the Junior Fellows of the Corporation who shall be men students registered in the School of Graduate Studies of the University of Toronto; and
- (b) to complement the functions of the University of Toronto by providing amenities and facilities for a community of scholars, both residential and non-residential,

but do not include the power to conduct teaching courses or to confer degrees.

Property

R.S.O. 1960,
c. 191

6. The Corporation has, subject to the Schedule hereto, in addition to the powers, rights and privileges mentioned in section 26 of *The Interpretation Act*, power to purchase or otherwise acquire, take or receive by gift, bequest or devise and to hold and enjoy any estate or property whatsoever, whether real or personal, and to sell, grant, convey, mortgage, lease or otherwise dispose of the same or any part thereof from time to time and as occasion may require and to acquire other estate or property in addition thereto or in place thereof without licence in mortmain and without limitation as to the period of holding.

Trust
property
vested in
Corporation

7. Subject to the Schedule hereto, all property, whether real or personal, heretofore or hereafter granted, conveyed, devised or bequeathed to any person in trust for or for the benefit of the Corporation, subject to any trusts affecting the same, shall be vested in the Corporation.

Tax
exemption

8. The property, real and personal, vested in the Corporation and any lands and premises leased to and occupied by the Corporation are not liable to taxation for provincial, municipal or school purposes, and are exempt from every description of taxation so long as they are actually used and occupied for the purposes of the Corporation.

Real
property of
Corporation
not liable to
expro-
priation

9. Real property vested in the Corporation is not liable to be entered upon, used or taken by any municipal or other corporation or by any person possessing the right of taking real property compulsorily for any purpose, and no power to expropriate real property hereafter conferred extends to such property unless in the Act conferring the power it is made in express terms to apply thereto.

10. The Corporation has power to enact statutes and from time to time to repeal, re-enact and amend such statutes for the attainment of the objects and purposes of the Corporation and for the government and operation of Massey College relating to, Statutes of Corporation

- (a) the election of the Master by the Fellows and his term of office, provided that the election of the Master is subject to a confirming appointment by The Governors of the University of Toronto;
- (b) the election of Fellows and their term or terms of office and their qualification, except the President of the University of Toronto and the Dean of the School of Graduate Studies of the University of Toronto who are *ex officio* Fellows, provided that the Fellows shall act as such without remuneration;
- (c) the variation of the number of Fellows at any time and from time to time;
- (d) the election of a Visitor who, when elected, is a Fellow of the Corporation, and the duties, powers and privileges of the Visitor;
- (e) the making of rules and regulations pertaining to,
 - (i) the meetings of the Corporation,
 - (ii) the election of officers, including the Master,
 - (iii) the appointment of committees and the conferring upon any such committees of authority to act for the Corporation with respect to any matter,
 - (iv) the operation of Massey College,
 - (v) admission to residence and, subject to consultation with The Governors of the University of Toronto, the fixing of rates and charges;
- (f) the salaries and employment of servants;
- (g) the financing of the operation of Massey College;
- (h) the admission of Junior Fellows, including the settling of qualifications for admission and the privileges and restrictions relating to junior fellowships.

Investment
of funds

11. The Corporation has power to invest the funds of the Corporation not immediately required for the purposes of Massey College, subject to any trust or trusts affecting the same, in such investments as the Corporation may in its uncontrolled discretion consider advisable, and the Corporation is not limited to investments authorized by law for trustees, provided that the funds of the Corporation shall be applied for the attainment of the objects and purposes for which the Corporation and Massey College are founded.

Commence-
ment

12. This Act comes into force on the day it receives Royal Assent.

Short title

13. This Act may be cited as *The Master and Fellows of Massey College Act, 1960-61*.

SCHEDULE

THIS AGREEMENT made the 23rd day of February, one thousand nine hundred and sixty-one.

BETWEEN:

The Massey Foundation, hereinafter called "The Foundation",

OF THE FIRST PART

— and —

The Governors of The University of Toronto, herein-
after called "The University",

OF THE SECOND PART.

WHEREAS The Foundation proposes to erect, furnish and equip a hall of residence to be known as Massey College, on lands provided by The University, to be owned and controlled by an independent corporation to be known as "The Master and Fellows of Massey College".

AND WHEREAS The University has approved the proposal of The Foundation and, subject to ratification of this Agreement by Act of the Ontario Legislature, is willing to provide the land required for the purposes of Massey College as described in Schedule "A" attached hereto, and The Foundation and The University are willing to assume and discharge the burdens imposed upon them respectively as hereinafter provided:

NOW THEREFORE THIS AGREEMENT WITNESSETH as follows:

1. The Foundation and The University shall jointly petition the Legislative Assembly of the Province of Ontario for the enactment of a statute ratifying this Agreement and creating a body corporate with perpetual succession and a common seal under the name of "The Master and Fellows of Massey College", (hereinafter sometimes called "The Corporation").

2. The University shall cause to be conveyed to The Corporation the lands and premises situate at the north west corner of Devonshire Place and Hoskin Avenue in the City of Toronto, more particularly described in Schedule "A" annexed hereto and made part hereof, cleared for building purposes, subject to the right of The University to remain in possession of the said lands and premises until the 31st day of July, 1961.

3. The Foundation shall, at its own expense, cause to be erected, furnished and equipped a building to be known as Massey College on the said lands and premises.

4. If at any time The Corporation should discontinue its use of the lands and premises of Massey College, the said lands and premises, together with any other lands and premises which may at any time hereafter be conveyed by The University to The Corporation, shall thereupon revert in The University, and any and all buildings and improvements which at such time stand upon the said lands and premises and the furnishings and equipment thereof or therein belonging to The Corporation shall at such time vest in The University and belong absolutely to The University without cost to The University and neither The Corporation nor The Foundation shall have any claim against The University or otherwise, in respect to their contribution to the cost of the said buildings, improvements, furnishings and equipment but in such event The University shall use the said buildings, improvements, furnishings and equipment in such manner as The University in its discretion may deem for the best advantage of The University for purposes consonant with the objects of The Corporation, but if in the opinion of The University it is impossible, inadvisable or impracticable to use the said buildings, improvements, furnishings or equipment for such purposes, then The University may use the same for such other purposes as it may determine.

5. The plans and specifications for any buildings to be erected by The Foundation on the said lands and premises, and for any buildings to be erected on any other land hereinafter conveyed by The University to The Corporation, shall be the subject of prior consultation with The University for its consent prior to the erection of any of the said buildings and any material alterations in the said plans and specifications during the process of erection of any of the said buildings shall likewise be the subject of prior consultation with The University, and no such buildings shall be erected and no such material alterations shall be made without prior consultation with and approval in writing by The University. The Foundation shall, however, have the sole and entire responsibility for the erection of any buildings on the said lands and premises in conformity with the said plans, specifications and alterations as approved by The University.

6. The prayer of the petition for the enactment of a statute of the Legislature of Ontario shall include *inter alia*, the following:

- (a) Incorporation as a body corporate under the name of "The Master and Fellows of Massey College" of the persons named in the petition who shall be selected jointly by The Foundation and The University, and such other persons as may thereafter become Master and Fellows of Massey College, the first Master and Fellows to be named jointly by The Foundation and The University;
- (b) provision for a head of Massey College who shall be known as "the Master", the first Master to be the person named in the said petition and his successors to be elected from time to time by the Fellows of Massey College, subject to a confirming appointment by The University. The Foundation may from time to time contribute to the funds of The Corporation;
- (c) the President of the University of Toronto and the Dean of the School of Graduate Studies of the University of Toronto shall be *ex officio* Fellows;
- (d) a statement of the objects and purposes of The Corporation which (without the power to conduct teaching courses or to confer degrees) shall be the advancement of learning and, *inter alia*:
 - (i) to maintain a hall of residence to be known as Massey College, for the Junior Fellows of The Corporation who shall be men students registered in the School of Graduate Studies of the University of Toronto;
 - (ii) to complement the functions of The University by providing amenities and facilities for a community of scholars, both residential and non-residential;
- (e) power to hold all lands at any time acquired by The Corporation in perpetuity, subject to the condition that if at any time The Corporation should discontinue its use of the lands and premises of Massey College, the said lands and premises, together with any other lands and premises which may at any time hereafter be conveyed by The University to The Corporation, shall thereupon revert in The University, and all buildings and improvements which at such time stand upon the said lands and premises, and the furnishings and equipment thereof or therein belonging to The Corporation shall at such time vest in The University and belong absolutely to The University without cost to The University and neither The Corporation nor The Foundation shall have any claim against The University or otherwise in respect of their contribution to the cost of the said buildings, improvements, furnishings and equipment, but in such event The University shall use the said buildings, improvements, furnishings and equipment in such manner as The University in its discretion may deem for the best advantage of The University for purposes consonant with the objects of The Corporation, but if in the opinion of The University it is im-

possible, inadvisable or impracticable to use the said buildings, improvements, furnishings or equipment for such purposes, then The University may use the same for such other purposes as it may determine;

- (f) exemption of property vested in The Corporation from taxation for provincial, municipal or school purposes, so long as the same is actually used and occupied for the purposes of The Corporation;
- (g) provision that real property vested in the Corporation shall not be liable to be entered upon, used or taken by any municipal or other corporation or by any person possessing the right of taking land compulsorily for any purpose and that no power to expropriate real property conferred subsequent to the enactment of such statute shall extend to such real property unless in the Act conferring the power it is made in express terms to apply thereto;
- (h) power in The Corporation to enact statutes and from time to time to repeal, re-enact and amend the same for the attainment of the objects and purposes of The Corporation and for the government and operation of Massey College and relating to:
 - (i) The election of the Master by the Fellows, and his term of office, provided that the election of the Master shall be subject to a confirming appointment by The University;
 - (ii) the election of Fellows and their term or terms of office and their qualification, except the President of the University of Toronto and the Dean of the School of Graduate Studies of the University of Toronto, who shall be *ex officio* Fellows, provided that the Fellows shall act as such without remuneration;
 - (iii) the variation of the number of Fellows at any time and from time to time;
 - (iv) provision for the election of a Visitor who shall be a Fellow of The Corporation and the making of statutes concerning the duties, powers and privileges of the Visitor;
 - (v) the making of rules and regulations pertaining to: The meetings of The Corporation; the election of officers, including the Master; the appointment of committees and the conferring upon any such committees authority to act for The Corporation with respect to any matter; the operation of Massey College; admission to residence; and, subject to consultation with The University, the fixing of rates and charges;
 - (vi) the salaries and employment of servants;
 - (vii) the financing of the operation of Massey College;
 - (viii) the admission of Junior Fellows, including the settling of qualifications for admission and the privileges and restrictions relating to junior fellowships;
- (i) power to receive gifts of money and property of any kind, to hold the same as trustees and, subject to any trust or trusts affecting the same, to apply the same or the proceeds thereof for the attainment of the objects and purposes of The Corporation, provided that if at any time The Corporation should discontinue its use of the lands and premises of Massey College, the balance of the funds then held by The Corporation shall, subject to any trust or trusts affecting the same, vest in The University, and The University shall apply such funds in its discretion for purposes consonant with the objects of The Corporation;

(j) power to invest and reinvest the funds of The Corporation, not immediately required for the purposes of Massey College, subject to any trust or trusts affecting the same, in such investments as The Corporation may in its uncontrolled discretion consider advisable and The Corporation shall not be limited to investments authorized by law for trustees, provided that the funds of The Corporation shall be applied for the attainment of the objects and purposes for which The Corporation and Massey College is founded;

(k) the annual budgets of The Corporation relating to Massey College shall be made available to The University.

7. The University shall and it hereby covenants that it will at its own expense:

(a) maintain the fabric of the buildings of Massey College to be erected on the lands described in Schedule "A" hereto, effect repairs and renovations thereof and thereto and in general maintain the said buildings to the same extent as if they were buildings of The University;

(b) supply or pay for the supply of heat, light, water, gas and power, fire and supplemental risks insurance, and such other maintenance services (other than the provision of cleaning staff and facilities), as may be required to enable Massey College to perform its functions.

8. The University shall advise with respect to the receipts and expenditures of Massey College and may pay and discharge from time to time any deficits arising from its operations.

IN WITNESS WHEREOF the parties have hereunto affixed their corporate seals, attested by the signatures of their proper officers in that behalf.

THE MASSEY FOUNDATION :

VINCENT MASSEY.

(Seal)

LIONEL MASSEY.

THE GOVERNORS OF THE UNIVERSITY
OF TORONTO :

W. ERIC PHILLIPS,
Chairman.

(Seal)

J. F. BROOK,
Secretary.

Schedule "A"

UNIVERSITY OF TORONTO AND MASSEY COLLEGE

DESCRIPTION OF LANDS

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the City of Toronto, in the County of York and being composed of all of Lots Nos. 1, 2 and 3 on the north side of Hoskin Avenue, and all of Lots Nos. 7 and 8 on the west side of Devonshire Place, and all of Lot No. 9 on the west side of Devonshire Place (save and except the northerly thirty feet (30') thereof throughout from front to rear); all according to a plan filed in the Registry Office for the City of Toronto as No. 101E.

An Act to confirm an Agreement between
The Massey Foundation and The Gover-
nors of the University of Toronto and to
incorporate The Master and Fellows of
Massey College

1st Reading

March 14th, 1961

2nd Reading

March 22nd, 1961

3rd Reading

March 29th, 1961

MR. ROBARTS

BILL 116

2ND SESSION, 26TH LEGISLATURE, ONTARIO
9-10 ELIZABETH II, 1960-61

An Act to amend The Planning Act

MR. WARRENDER

EXPLANATORY NOTES

SECTION 1. Section 26, dealing with subdivision control areas, is revised with the following major changes in principle:

- (1) Mortgages are brought under subdivision control in the same manner as conveyances, etc.
- (2) The period of 21 years for agreements granting the use of or right in land has been reduced to 11 years.
- (3) Municipalities are exempted from compliance with the provision respecting dealings in land.
- (4) A plan of subdivision cannot be deemed not to be a plan of subdivision for the purposes of the Act until the plan has been registered for at least 8 years.
- (5) The provisions re part-lot control are separated from the provisions dealing with subdivision control.
- (6) Express provision is made that conveyances, etc., in contravention of the section do not convey or create an interest in land, but this provision does not affect conveyances, etc., heretofore made or actions heretofore commenced. The amendments authorize the making of agreements that would otherwise not convey an interest in land if they contain a provision to the effect that the section will be complied with.
- (7) Planning boards are given limited powers to impose conditions on the granting of a consent to the severance of land.
- (8) A right of appeal to the Ontario Municipal Board is given from a decision of a local planning board on an application for consent.

BILL 116

1960-61

An Act to amend The Planning Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 26 of *The Planning Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 296, s. 26,
re-enacted

26.—(1) The council of a municipality may by by-law designate any area within the municipality as an Areas of
subdivision
control area of subdivision control and thereafter no person shall convey land in the area by way of a deed or transfer on any sale, or mortgage or charge land in the area, or enter into an agreement of sale and purchase of land in the area or enter into any agreement that has the effect of granting the use of or right in land in the area directly or by entitlement to renewal for a period of eleven years or more unless,

- (a) the land is described in accordance with and is within a registered plan of subdivision; or
- (b) the grantor, mortgagor or vendor does not retain the fee or the equity of redemption in any land abutting the land that is being conveyed or otherwise dealt with; or
- (c) the land is ten acres or more in area and the land remaining in the grantor, mortgagor or vendor abutting on the land conveyed or otherwise dealt with is also ten acres or more in area; or
- (d) the land or any use of or right therein is being acquired or disposed of by Her Majesty in right of Canada or Her Majesty in right of Ontario or by any municipality, metropolitan municipality or county; or

(e) the consent,

(i) of the planning board of the planning area in which the land lies, or

(ii) where the land lies in more than one planning area, of the planning board designated by the Minister from time to time, or

(iii) where there is no planning board, of the Minister,

is given to the conveyance, mortgage, charge or agreement.

Designation
of plans of
subdivision
not deemed
registered

(2) The council may in the by-law designate any plan of subdivision, or part thereof, that has been registered for eight years or more, which shall be deemed not to be a registered plan of subdivision for the purposes of subsection 1.

Regulation
of land
within
registered
plan of
subdivision

(3) The council of a municipality may by by-law provide that this subsection applies to land in the municipality that is within a plan of subdivision registered before or after the passing of the by-law, or is within such registered plan or plans of subdivision, or part or parts thereof, as is or are designated in the by-law, and thereafter no person shall convey a part of any lot or block of the land by way of a deed or transfer on any sale, or mortgage or charge a part of any lot or block of the land, or enter into an agreement of sale and purchase of a part of any lot or block of the land or enter into any agreement that has the effect of granting the use of or right in a part of any lot or block of the land directly or by entitlement to renewal for a period of eleven years or more unless,

(a) the grantor, mortgagor or vendor does not retain the fee or the equity of redemption in any land abutting the part of the lot or block that is being conveyed or otherwise dealt with; or

(b) the part of the lot or block or any use of or right therein is being acquired or disposed of by Her Majesty in right of Canada or Her Majesty in right of Ontario or by any municipality, metropolitan municipality or county; or

(c) the consent,

(i) of the planning board of the planning area in which the land lies, or

(ii) where the land lies in more than one planning area, of the planning board designated by the Minister from time to time, or

(iii) where there is no planning board, of the Minister,

is given to the conveyance, mortgage, charge or agreement.

- (4) An agreement, conveyance, mortgage or charge made in contravention of this section or a predecessor thereof does not create or convey any interest in land, but this subsection does not affect an agreement entered into, subject to the express condition contained therein that such agreement is to be effective only if the provisions of this section are complied with. Conveyance contrary to section not to convey interest in land
- (5) A by-law passed under this section is not effective until the requirements of subsections 6 to 11 have been complied with. When by-law effective
- (6) Two certified copies of every by-law passed under this section shall be lodged by the clerk of the municipality in the office of the Minister, where they shall be available for public inspection during office hours. Copies of by-law to be lodged with Minister
- (7) A certified copy of every by-law passed under this section affecting land under *The Registry Act* shall be registered by the clerk of the municipality in the proper registry office, where it shall be made available to the public as a production. Registration under R.S.O. 1960, c. 348
- (8) A certified copy of every by-law passed under subsection 1 affecting land under *The Land Titles Act* shall be deposited by the clerk of the municipality in the proper land titles office, where it shall be made available to the public for inspection. under R.S.O. 1960, c. 204
- (9) A certified copy of every by-law passed under subsection 3 or of every by-law containing a provision authorized by subsection 2, and affecting land within a plan of subdivision registered under *The Land* Idem

Titles Act, shall be registered by the clerk of the municipality in the proper land titles office against each parcel of land affected by the by-law.

Notice
where plan
not deemed
registered

- (10) Where a by-law contains a provision authorized by subsection 2, the clerk of the municipality shall send notice of the passing of the by-law by registered mail to the last known address of each person appearing by the last revised assessment roll to be the owner of land within any registered plan or part thereof to which the provision applies.

Notice
where
by-law
passed under
subs. 3

- (11) Where a by-law has been passed under subsection 3, the clerk of the municipality shall send notice of the passing of the by-law by mail to the last known address of each person appearing by the last revised assessment roll to be the owner of land to which the by-law applies.

Alteration or
dissolution
of area

- (12) When an area is designated as an area of subdivision control under subsection 1, it shall not be altered or dissolved without the approval of the Minister.

Matters
to be
regarded in
determining
consent,
conditions

- (13) A planning board and the Minister in determining whether a consent is to be given under this section shall have regard to the matters that are to be had regard to under subsection 4 of section 28 in considering a draft plan of subdivision and may impose such conditions as it or he considers necessary to ensure that such matters are effectively provided for and maintained and, in addition, may require that any or all of such conditions be fulfilled prior to the granting of a consent.

Appeal to
Municipal
Board

- (14) Where, on an application to a planning board for a consent under this section, the consent is refused or is given subject to one or more conditions or where the planning board refuses or neglects to make a decision on the application within sixty days after the receipt by the planning board of the application, the applicant may appeal to the Municipal Board, and the Municipal Board shall hear the appeal and make such disposition thereof as to it may seem proper, but the Municipal Board does not have power to rescind a consent that has been given by a planning board but may vary or rescind any condition that has been imposed on the granting of a consent.

Conveyance
not in
contraven-
tion if
consent
given

- (15) An agreement, conveyance, mortgage or charge is not in contravention of this section if a consent has been given, although such consent is subject to a

SECTION 2—Subsection 1. Subsection 5 is amended to delete the penalty of a fine in so far as contravention of a Minister's order respecting subdivision control or part-lot control is concerned. The fine is no longer a necessary deterrent as the conveyance does not create or convey any interest in land, if it is in contravention of the section. This makes section 27 consistent with section 26.

Subsection 2. Subsection 6 is added for clarification purposes to make sure that the Minister's order on subdivision or part-lot control has exactly the same effect as a by-law passed by a municipality under section 26.

SECTION 3. Under the present legislation, there is no specific requirement that the Municipal Board hold a public hearing on restricted area by-laws. This requirement has, however, been implied from the present subsection 11. The amendments set up machinery for the filing of objections to dispensing with the assent of the electors and provides that, where no objections are filed or where the objections do not warrant a hearing, the Municipal Board may dispense with the assent without a public hearing.

condition that has not been complied with at the time such agreement, conveyance, mortgage or charge is made.

(2) The contravention, before this section comes into force, of section 26 of *The Planning Act* or a predecessor thereof or of a by-law passed under section 26 or a predecessor of section 26 does not have and shall be deemed never to have had the effect of preventing the conveyance or creation of any interest in land, provided that this section does not affect the rights acquired by any person from a judgement or order of any court given or made in any litigation or proceedings commenced on or before the day this section comes into force.

Effect on conveyances heretofore made
R.S.O. 1960, c. 296

(3) By-laws passed under section 26 of *The Planning Act* or a predecessor of section 26 before this section comes into force are not affected by section 26, as re-enacted by subsection 1, except as otherwise expressly provided in subsection 2.

Effect on existing by-laws
R.S.O. 1960, c. 296

(4) By-laws passed under section 26 of *The Planning Act* or a predecessor of section 26 before this section comes into force affecting lands under *The Land Titles Act* shall be deposited or registered, as the case may be, as provided for in subsections 8 and 9 of section 26 of *The Planning Act*, as re-enacted by subsection 1, not later than the 1st day of October, 1961, and thereafter, if not so deposited or registered, they shall be deemed to have been repealed as of that date.

Registration of existing by-laws
R.S.O. 1960, cc. 296, 204

2.—(1) Subsection 5 of section 27 of *The Planning Act* is amended by striking out "this section" in the second line and inserting in lieu thereof "clause a of subsection 1", so that the subsection shall read as follows:

R.S.O. 1960, c. 296, s. 27, subs. 5, amended

(5) Every person who contravenes an order of the Minister made under clause a of subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not more than \$500.

Offence

(2) The said section 27 is amended by adding thereto the following subsection:

R.S.O. 1960, c. 296, s. 27, amended

(6) An order of the Minister made under clause b of subsection 1 has the same effect as a by-law passed under section 26.

Effect of land use order

3. Section 30 of *The Planning Act* is amended by adding thereto the following subsections:

R.S.O. 1960, c. 296, s. 30, amended

Public
hearing

(11a) Except as provided in subsections 11b and 11c, the Municipal Board shall, before approving any by-law passed under this section, hold a public hearing for the purpose of inquiring into the merits of the application and of hearing any objections that any person may desire to bring to the attention of the Municipal Board.

Notice to
provide for
filing of
objections

(11b) Upon any application, the Municipal Board may direct that the notice to be given by the council shall state that anyone objecting to the by-law may, within such time from the giving of the notice as may be prescribed by the Municipal Board, file with the clerk his objection to the by-law.

Dispensing
with public
hearing

(11c) Where notice has been given under subsection 11b, the Municipal Board may, when no notice of objection has been filed with the clerk within the time specified in the notice, approve the by-law without holding a public hearing and, if one or more objections have been filed with the clerk within the time specified in the notice, the Municipal Board shall hold a public hearing unless under all the circumstances affecting the matter the Municipal Board deems the objection or, if more than one, all the objections to be insufficient to require a public hearing.

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Planning Amendment Act, 1960-61*.

An Act to amend
The Planning Act

1st Reading

March 14th, 1961

2nd Reading

3rd Reading

MR. WARRENDER

BILL 116

2ND SESSION, 26TH LEGISLATURE, ONTARIO
9-10 ELIZABETH II, 1960-61

An Act to amend The Planning Act

MR. WARRENDER

(Reprinted for consideration by the Committee of the Whole House)

EXPLANATORY NOTES

SECTION 1. Section 26, dealing with subdivision control areas, is revised with the following major changes in principle:

- (1) Mortgages are brought under subdivision control in the same manner as conveyances, etc.
- (2) Municipalities are exempted from compliance with the provision respecting dealings in land.
- (3) A plan of subdivision cannot be deemed not to be a plan of subdivision for the purposes of the Act until the plan has been registered for at least 8 years.
- (4) The provisions re part-lot control are separated from the provisions dealing with subdivision control.
- (5) Express provision is made that conveyances, etc., in contravention of the section do not convey or create an interest in land, but this provision does not affect conveyances, etc., heretofore made or actions heretofore commenced. The amendments authorize the making of agreements that would otherwise not convey an interest in land if they contain a provision to the effect that the section will be complied with.
- (6) Planning boards are given limited powers to impose conditions on the granting of a consent to the severance of land.
- (7) A right of appeal to the Ontario Municipal Board is given from a decision of a local planning board on an application for consent.

BILL 116

1960-61

An Act to amend The Planning Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 26 of *The Planning Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 296, s. 26,
re-enacted

26.—(1) The council of a municipality may by by-law designate any area within the municipality as an area of subdivision control and thereafter no person shall convey land in the area by way of a deed or transfer on any sale, or mortgage or charge land in the area, or enter into an agreement of sale and purchase of land in the area or enter into any agreement that has the effect of granting the use of or right in land in the area directly or by entitlement to renewal for a period of twenty-one years or more unless,

- (a) the land is described in accordance with and is within a registered plan of subdivision; or
- (b) the grantor, mortgagor or vendor does not retain the fee or the equity of redemption in any land abutting the land that is being conveyed or otherwise dealt with; or
- (c) the land is ten acres or more in area and the land remaining in the grantor, mortgagor or vendor abutting on the land conveyed or otherwise dealt with is also ten acres or more in area; or
- (d) the land or any use of or right therein is being acquired or disposed of by Her Majesty in right of Canada or Her Majesty in right of Ontario or by any municipality, metropolitan municipality or county; or

(e) the consent,

- (i) of the planning board of the planning area in which the land lies, or
- (ii) where the land lies in more than one planning area, of the planning board designated by the Minister from time to time, or
- (iii) where there is no planning board, of the Minister,

is given to the conveyance, mortgage, charge or agreement.

Designation
of plans of
subdivision
not deemed
registered

- (2) The council may in the by-law designate any plan of subdivision, or part thereof, that has been registered for eight years or more, which shall be deemed not to be a registered plan of subdivision for the purposes of subsection 1.

Regulation
of land
within
registered
plan of
subdivision

- (3) The council of a municipality may by by-law provide that this subsection applies to land in the municipality that is within a plan of subdivision registered before or after the passing of the by-law, or is within such registered plan or plans of subdivision, or part or parts thereof, as is or are designated in the by-law, and thereafter no person shall convey a part of any lot or block of the land by way of a deed or transfer on any sale, or mortgage or charge a part of any lot or block of the land, or enter into an agreement of sale and purchase of a part of any lot or block of the land or enter into any agreement that has the effect of granting the use of or right in a part of any lot or block of the land directly or by entitlement to renewal for a period of twenty-one years or more unless,

(a) the grantor, mortgagor or vendor does not retain the fee or the equity of redemption in any land abutting the part of the lot or block that is being conveyed or otherwise dealt with; or

(b) the part of the lot or block or any use of or right therein is being acquired or disposed of by Her Majesty in right of Canada or Her Majesty in right of Ontario or by any municipality, metropolitan municipality or county; or

(c) the consent,

- (i) of the planning board of the planning area in which the land lies, or
- (ii) where the land lies in more than one planning area, of the planning board designated by the Minister from time to time, or
- (iii) where there is no planning board, of the Minister,

is given to the conveyance, mortgage, charge or agreement.

- (4) An agreement, conveyance, mortgage or charge made in contravention of this section or a predecessor thereof does not create or convey any interest in land, but this section does not affect an agreement entered into, subject to the express condition contained therein that such agreement is to be effective only if the provisions of this section are complied with. Conveyance contrary to section not to convey interest in land
- (5) A by-law passed under this section is not effective until the requirements of subsections 6 to 11 have been complied with. When by-law effective
- (6) Two certified copies of every by-law passed under this section shall be lodged by the clerk of the municipality in the office of the Minister, where they shall be available for public inspection during office hours. Copies of by-law to be lodged with Minister
- (7) A certified copy of every by-law passed under this section affecting land under *The Registry Act* shall be registered by the clerk of the municipality in the proper registry office, where it shall be made available to the public as a production. Registration under R.S.O. 1960, c. 348
- (8) A certified copy of every by-law passed under subsection 1 affecting land under *The Land Titles Act* shall be deposited by the clerk of the municipality in the proper land titles office, where it shall be made available to the public for inspection. under R.S.O. 1960, c. 204
- (9) A certified copy of every by-law passed under subsection 3 or of every by-law containing a provision authorized by subsection 2, and affecting land within a plan of subdivision registered under *The Land* Idem

Titles Act, shall be registered by the clerk of the municipality in the proper land titles office against each parcel of land affected by the by-law.

Notice
where plan
not deemed
registered

- (10) Where a by-law contains a provision authorized by subsection 2, the clerk of the municipality shall send notice of the passing of the by-law by registered mail to the last known address of each person appearing by the last revised assessment roll to be the owner of land within any registered plan or part thereof to which the provision applies.

Notice
where
by-law
passed under
subs. 3

- (11) Where a by-law has been passed under subsection 3, the clerk of the municipality shall send notice of the passing of the by-law by mail to the last known address of each person appearing by the last revised assessment roll to be the owner of land to which the by-law applies.

Alteration or
dissolution
of area

- (12) When an area is designated as an area of subdivision control under subsection 1, it shall not be altered or dissolved without the approval of the Minister.

Matters
to be
regarded in
determining
consent,
conditions

- (13) A planning board and the Minister in determining whether a consent is to be given under this section shall have regard to the matters that are to be had regard to under subsection 4 of section 28 in considering a draft plan of subdivision and may impose such conditions as it or he considers necessary to ensure that such matters are effectively provided for and maintained and, in addition, may require that any or all of such conditions be fulfilled prior to the granting of a consent.

Appeal to
Municipal
Board

- (14) Where, on an application to a planning board for a consent under this section, the consent is refused or is given subject to one or more conditions or where the planning board refuses or neglects to make a decision on the application within sixty days after the receipt by the planning board of the application, the applicant may appeal to the Municipal Board, and the Municipal Board shall hear the appeal and make such disposition thereof as to it may seem proper, but the Municipal Board does not have power to rescind a consent that has been given by a planning board but may vary or rescind any condition that has been imposed on the granting of a consent.

Conveyance
not in
contraven-
tion if
consent
given

- (15) An agreement, conveyance, mortgage or charge is not in contravention of this section if a consent has been given, although such consent is subject to a

SECTION 2—Subsection 1. Subsection 5 is amended to delete the penalty of a fine in so far as contravention of a Minister's order respecting subdivision control or part-lot control is concerned. The fine is no longer a necessary deterrent as the conveyance does not create or convey any interest in land, if it is in contravention of the section. This makes section 27 consistent with section 26.

Subsection 2. Subsection 6 is added for clarification purposes to make sure that the Minister's order on subdivision or part-lot control has exactly the same effect as a by-law passed by a municipality under section 26.

SECTION 3. Under the present legislation, there is no specific requirement that the Municipal Board hold a public hearing on restricted area by-laws. This requirement has, however, been implied from the present subsection 11. The amendments set up machinery for the filing of objections to dispensing with the assent of the electors and provides that, where no objections are filed or where the objections do not warrant a hearing, the Municipal Board may dispense with the assent without a public hearing.

condition that has not been complied with at the time such agreement, conveyance, mortgage or charge is made.

(2) The contravention, before this section comes into force, of section 26 of *The Planning Act* or a predecessor thereof or of a by-law passed under section 26 or a predecessor of section 26 or of an order made under clause *b* of subsection 1 of section 27 of *The Planning Act* or a predecessor thereof does not have and shall be deemed never to have had the effect of preventing the conveyance or creation of any interest in land, provided that this section does not affect the rights acquired by any person from a judgment or order of any court given or made in any litigation or proceedings commenced on or before the day this section comes into force.

Effect on conveyances heretofore made
R.S.O. 1960, c. 296

(3) By-laws passed under section 26 of *The Planning Act* or a predecessor of section 26 before this section comes into force are not affected by section 26, as re-enacted by subsection 1, except as otherwise expressly provided in subsection 2.

Effect on existing by-laws
R.S.O. 1960, c. 296

(4) By-laws passed under section 26 of *The Planning Act* or a predecessor of section 26 before this section comes into force affecting lands under *The Land Titles Act* shall be deposited or registered, as the case may be, as provided for in subsections 8 and 9 of section 26 of *The Planning Act*, as re-enacted by subsection 1, not later than the 1st day of October, 1961, and thereafter, if not so deposited or registered, they shall be deemed to have been repealed as of that date.

Registration of existing by-laws
R.S.O. 1960, cc. 296, 204

2.—(1) Subsection 5 of section 27 of *The Planning Act* is amended by striking out "this section" in the second line and inserting in lieu thereof "clause *a* of subsection 1", so that the subsection shall read as follows:

R.S.O. 1960, c. 296, s. 27, subs. 5, amended

(5) Every person who contravenes an order of the Minister made under clause *a* of subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not more than \$500.

Offence

(2) The said section 27 is amended by adding thereto the following subsection:

R.S.O. 1960, c. 296, s. 27, amended

(6) An order of the Minister made under clause *b* of subsection 1 has the same effect as a by-law passed under section 26.

Effect of land use order

3. Section 30 of *The Planning Act* is amended by adding thereto the following subsections:

R.S.O. 1960, c. 296, s. 30, amended

Public
hearing

(11a) Except as provided in subsections 11b and 11c, the Municipal Board shall, before approving any by-law passed under this section, hold a public hearing for the purpose of inquiring into the merits of the application and of hearing any objections that any person may desire to bring to the attention of the Municipal Board.

Notice to
provide for
filing of
objections

(11b) Upon any application, the Municipal Board may direct that the notice to be given by the council shall state that anyone objecting to the by-law may, within such time from the giving of the notice as may be prescribed by the Municipal Board, file with the clerk his objection to the by-law.

Dispensing
with public
hearing

(11c) Where notice has been given under subsection 11b, the Municipal Board may, when no notice of objection has been filed with the clerk within the time specified in the notice, approve the by-law without holding a public hearing and, if one or more objections have been filed with the clerk within the time specified in the notice, the Municipal Board shall hold a public hearing unless under all the circumstances affecting the matter the Municipal Board deems the objection or, if more than one, all the objections to be insufficient to require a public hearing.

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Planning Amendment Act, 1960-61*.

An Act to amend
The Planning Act

1st Reading

March 14th, 1961

2nd Reading

March 15th, 1961

3rd Reading

MR. WARRENDER

(Reprinted for consideration by the
Committee of the Whole House)

BILL 116

**2ND SESSION, 26TH LEGISLATURE, ONTARIO
9-10 ELIZABETH II, 1960-61**

An Act to amend The Planning Act

MR. WARRENDER

An Act to amend The Planning Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 26 of *The Planning Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 296, s. 26,
re-enacted

26.—(1) The council of a municipality may by by-law designate any area within the municipality as an area of subdivision control and thereafter no person shall convey land in the area by way of a deed or transfer on any sale, or mortgage or charge land in the area, or enter into an agreement of sale and purchase of land in the area or enter into any agreement that has the effect of granting the use of or right in land in the area directly or by entitlement to renewal for a period of twenty-one years or more unless,

Areas of
subdivision
control

- (a) the land is described in accordance with and is within a registered plan of subdivision; or
- (b) the grantor, mortgagor or vendor does not retain the fee or the equity of redemption in any land abutting the land that is being conveyed or otherwise dealt with; or
- (c) the land is ten acres or more in area and the land remaining in the grantor, mortgagor or vendor abutting on the land conveyed or otherwise dealt with is also ten acres or more in area; or
- (d) the land or any use of or right therein is being acquired or disposed of by Her Majesty in right of Canada or Her Majesty in right of Ontario or by any municipality, metropolitan municipality or county; or

(e) the consent,

(i) of the planning board of the planning area in which the land lies, or

(ii) where the land lies in more than one planning area, of the planning board designated by the Minister from time to time, or

(iii) where there is no planning board, of the Minister,

is given to the conveyance, mortgage, charge or agreement.

Designation
of plans of
subdivision
not deemed
registered

(2) The council may in the by-law designate any plan of subdivision, or part thereof, that has been registered for eight years or more, which shall be deemed not to be a registered plan of subdivision for the purposes of subsection 1.

Part-lot
control

(3) The council of a municipality may by by-law provide that this subsection applies to land in the municipality that is within a plan of subdivision registered before or after the passing of the by-law, or is within such registered plan or plans of subdivision, or part or parts thereof, as is or are designated in the by-law, and thereafter no person shall convey a part of any lot or block of the land by way of a deed or transfer on any sale, or mortgage or charge a part of any lot or block of the land, or enter into an agreement of sale and purchase of a part of any lot or block of the land or enter into any agreement that has the effect of granting the use of or right in a part of any lot or block of the land directly or by entitlement to renewal for a period of twenty-one years or more unless,

(a) the grantor, mortgagor or vendor does not retain the fee or the equity of redemption in any land abutting the part of the lot or block that is being conveyed or otherwise dealt with; or

(b) the part of the lot or block or any use of or right therein is being acquired or disposed of by Her Majesty in right of Canada or Her Majesty in right of Ontario or by any municipality, metropolitan municipality or county; or

(c) the consent,

- (i) of the planning board of the planning area in which the land lies, or
- (ii) where the land lies in more than one planning area, of the planning board designated by the Minister from time to time, or
- (iii) where there is no planning board, of the Minister,

is given to the conveyance, mortgage, charge or agreement.

- (4) An agreement, conveyance, mortgage or charge made in contravention of this section or a predecessor thereof does not create or convey any interest in land, but this section does not affect an agreement entered into, subject to the express condition contained therein that such agreement is to be effective only if the provisions of this section are complied with. Conveyance contrary to section not to convey interest in land
- (5) A by-law passed under this section is not effective until the requirements of subsections 6 to 11 have been complied with. When by-law effective
- (6) Two certified copies of every by-law passed under this section shall be lodged by the clerk of the municipality in the office of the Minister, where they shall be available for public inspection during office hours. Copies of by-law to be lodged with Minister
- (7) A certified copy of every by-law passed under this section affecting land under *The Registry Act* shall be registered by the clerk of the municipality in the proper registry office, where it shall be made available to the public as a production. Registration, under R.S.O. 1960, c. 348
- (8) A certified copy of every by-law passed under subsection 1 affecting land under *The Land Titles Act* shall be deposited by the clerk of the municipality in the proper land titles office, where it shall be made available to the public for inspection. under R.S.O. 1960, c. 204
- (9) A certified copy of every by-law passed under subsection 3 or of every by-law containing a provision authorized by subsection 2, and affecting land within a plan of subdivision registered under *The Land* Idem

Titles Act, shall be registered by the clerk of the municipality in the proper land titles office against each parcel of land affected by the by-law.

Notice
where plan
not deemed
registered

- (10) Where a by-law contains a provision authorized by subsection 2, the clerk of the municipality shall send notice of the passing of the by-law by registered mail to the last known address of each person appearing by the last revised assessment roll to be the owner of land within any registered plan or part thereof to which the provision applies.

Notice
where
by-law
passed under
subs. 3

- (11) Where a by-law has been passed under subsection 3, the clerk of the municipality shall send notice of the passing of the by-law by mail to the last known address of each person appearing by the last revised assessment roll to be the owner of land to which the by-law applies.

Alteration or
dissolution
of area

- (12) When an area is designated as an area of subdivision control under subsection 1, it shall not be altered or dissolved without the approval of the Minister.

Matters
to be
regarded in
determining
consent,
conditions

- (13) A planning board and the Minister in determining whether a consent is to be given under this section shall have regard to the matters that are to be had regard to under subsection 4 of section 28 in considering a draft plan of subdivision and may impose such conditions as it or he considers necessary to ensure that such matters are effectively provided for and maintained and, in addition, may require that any or all of such conditions be fulfilled prior to the granting of a consent.

Appeal to
Municipal
Board

- (14) Where, on an application to a planning board for a consent under this section, the consent is refused or is given subject to one or more conditions or where the planning board refuses or neglects to make a decision on the application within sixty days after the receipt by the planning board of the application, the applicant may appeal to the Municipal Board, and the Municipal Board shall hear the appeal and make such disposition thereof as to it may seem proper, but the Municipal Board does not have power to rescind a consent that has been given by a planning board but may vary or rescind any condition that has been imposed on the granting of a consent.

Conveyance
not in
contraven-
tion if
consent
given

- (15) An agreement, conveyance, mortgage or charge is not in contravention of this section if a consent has been given, although such consent is subject to a

condition that has not been complied with at the time such agreement, conveyance, mortgage or charge is made.

(2) The contravention, before this section comes into force, of section 26 of *The Planning Act* or a predecessor thereof or of a by-law passed under section 26 or a predecessor of section 26 or of an order made under clause *b* of subsection 1 of section 27 of *The Planning Act* or a predecessor thereof does not have and shall be deemed never to have had the effect of preventing the conveyance or creation of any interest in land, provided that this section does not affect the rights acquired by any person from a judgment or order of any court given or made in any litigation or proceedings commenced on or before the day this section comes into force.

Effect on conveyances heretofore made
R.S.O. 1960, c. 296

(3) By-laws passed under section 26 of *The Planning Act* or a predecessor of section 26 before this section comes into force are not affected by section 26, as re-enacted by subsection 1, except as otherwise expressly provided in subsection 2.

Effect on existing by-laws
R.S.O. 1960, c. 296

(4) By-laws passed under section 26 of *The Planning Act* or a predecessor of section 26 before this section comes into force affecting lands under *The Land Titles Act* shall be deposited or registered, as the case may be, as provided for in subsections 8 and 9 of section 26 of *The Planning Act*, as re-enacted by subsection 1, not later than the 1st day of October, 1961, and thereafter, if not so deposited or registered, they shall be deemed to have been repealed as of that date.

Registration of existing by-laws
R.S.O. 1960, cc. 296, 204

2.—(1) Subsection 5 of section 27 of *The Planning Act* is amended by striking out "this section" in the second line and inserting in lieu thereof "clause *a* of subsection 1", so that the subsection shall read as follows:

R.S.O. 1960, c. 296, s. 27, amended

(5) Every person who contravenes an order of the Minister made under clause *a* of subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not more than \$500.

Offence

(2) The said section 27 is amended by adding thereto the following subsection:

R.S.O. 1960, c. 296, s. 27, amended

(6) An order of the Minister made under clause *b* of subsection 1 has the same effect as a by-law passed under section 26.

Effect of land use order

3. Section 30 of *The Planning Act* is amended by adding thereto the following subsections:

R.S.O. 1960, c. 296, s. 30, amended

**Public
hearing**

- (11a) Except as provided in subsections 11b and 11c, the Municipal Board shall, before approving any by-law passed under this section, hold a public hearing for the purpose of inquiring into the merits of the application and of hearing any objections that any person may desire to bring to the attention of the Municipal Board.

**Notice to
provide for
filing of
objections**

- (11b) Upon any application, the Municipal Board may direct that the notice to be given by the council shall state that anyone objecting to the by-law may, within such time from the giving of the notice as may be prescribed by the Municipal Board, file with the clerk his objection to the by-law.

**Dispensing
with public
hearing**

- (11c) Where notice has been given under subsection 11b, the Municipal Board may, when no notice of objection has been filed with the clerk within the time specified in the notice, approve the by-law without holding a public hearing and, if one or more objections have been filed with the clerk within the time specified in the notice, the Municipal Board shall hold a public hearing unless under all the circumstances affecting the matter the Municipal Board deems the objection or, if more than one, all the objections to be insufficient to require a public hearing.

**Commence-
ment**

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Planning Amendment Act, 1960-61*.

An Act to amend
The Planning Act

1st Reading

March 14th, 1961

2nd Reading

March 15th, 1961

3rd Reading

March 29th, 1961

MR. WARRENDER

BILL 117

2ND SESSION, 26TH LEGISLATURE, ONTARIO
9-10 ELIZABETH II, 1960-61

**An Act to amend
The Matrimonial Causes Act**

MR. ROBERTS

EXPLANATORY NOTE

New Rules respecting intervention in matrimonial causes are being considered by the Rules Committee at the present time.

These will require express authority for the appointment of a Queen's Proctor, which authority this Bill provides.

Under the old Rules, the Attorney General or his agent acted as Queen's Proctor and intervened in matrimonial causes whenever he saw fit so to do. Under the new Rules, the Queen's Proctor must submit a statement of his reasons for desiring to intervene to the Attorney General and obtain the Attorney General's written consent before he may intervene.

BILL 117

1960-61

**An Act to amend
The Matrimonial Causes Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Matrimonial Causes Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 232,
amended

9a. There shall be an officer known as Her Majesty's Proctor who shall be appointed by the Lieutenant Governor in Council. Her
Majesty's
Proctor,
appoint-
ment

2. This Act comes into force on the day it receives Royal Assent. Commence-
ment

3. This Act may be cited as *The Matrimonial Causes Amendment Act, 1960-61*. Short title

An Act to amend
The Matrimonial Causes Act

1st Reading

March 14th, 1961

2nd Reading

3rd Reading

MR. ROBERTS

BILL 117

2ND SESSION, 26TH LEGISLATURE, ONTARIO
9-10 ELIZABETH II, 1960-61

**An Act to amend
The Matrimonial Causes Act**

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TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

BILL 117

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An Act to amend
The Matrimonial Causes Act

1st Reading

March 14th, 1961

2nd Reading

March 22nd, 1961

3rd Reading

March 29th, 1961

MR. ROBERTS

BILL 118

**2ND SESSION, 26TH LEGISLATURE, ONTARIO
9-10 ELIZABETH II, 1960-61**

An Act to amend The Power Commission Act

MR. MACAULAY

ONTARIO LEGISLATION
 1990-1991
 Session 26

Bill 107
 (The Hydro Property Tax Act)

EXPLANATORY NOTES

SECTION 1. This Bill provides for the portion of the payments made by Ontario Hydro to a municipality in respect of Hydro property that is attributable to levies for county and school purposes to be paid to the county and the appropriate school boards.

BILL 118

1960-61

An Act to amend The Power Commission Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 7 of section 48 of *The Power Commission Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 300, s. 48,
subs. 7,
re-enacted

- (7) Subject to subsections 7a and 7b, the payments received under subsections 2, 3, 4 and 5 shall be credited by the municipal corporation to its general fund. Distribution of payments, municipal portion
- (7a) The portion of the payments received under subsections 2, 3, 4 and 5 that is attributable to levies for county purposes and for secondary school purposes shall be paid by the municipal corporation to the county and to the secondary school boards that would have been entitled thereto if the land had been assessed and taxed in the usual way. Idem, county and secondary school portion
- (7b) The portion of the payments received under subsection 2 in respect of dwelling houses, including farm properties, rented by the Commission to other persons that is attributable to levies for elementary school purposes, shall be paid by the municipal corporation to the elementary school boards that would have been entitled thereto if the land had been assessed and taxed in the usual way, and for the purposes of this subsection the tenants of such dwelling houses and farm properties shall be deemed to be rated as tenants on the assessment roll of the municipality. Idem, elementary school portion
- (7c) The valuations made under this section shall be used for the purpose of computing county rates, school rates and legislative grants in all respects as though the properties valued were not exempt from taxation for such purposes. Use of valuations for computing rates

Pupil's
status

(7d) Where a school board is entitled to a payment under subsection 7a or 7b with respect to the property in which a pupil resides with his parent or guardian, any child whose parent or guardian is the tenant of the property shall be deemed to be a resident pupil under the jurisdiction of such school board.

Commence-
ment

2. This Act shall be deemed to have come into force on the 1st day of January, 1961.

Short title

3. This Act may be cited as *The Power Commission Amendment Act, 1960-61*.

SECTION 2. Ontario Hydro operates on a calendar-year basis as do municipalities and school boards. It is therefore appropriate that the amendments made by section 1 of the Bill should come into force on the first day of the current calendar year.

An Act to amend
The Power Commission Act

1st Reading

March 15th, 1961

2nd Reading

3rd Reading

MR. MACAULAY

BILL 118

2ND SESSION, 26TH LEGISLATURE, ONTARIO
9-10 ELIZABETH II, 1960-61

An Act to amend The Power Commission Act

MR. MACAULAY

(Reprinted as amended by the Committee of the Whole House)

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

THE FIRST CONSOLIDATED ACT
OF THE PARLIAMENT OF CANADA

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OF THE PARLIAMENT OF CANADA

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1960-61

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of payments,
municipal
portion
- (7a) The portion of the payments received under sub-Idem,
sections 2, 3, 4 and 5 that is attributable to levies county
for county purposes shall be paid by the municipal portion
corporation to the county that would have been
entitled thereto if the land had been assessed and
taxed in the usual way.
- (7b) The portion of the payments received under sub-Idem,
section 2 in respect of dwelling houses, including elementary
farm properties, rented by the Commission to other or secondary
persons that is attributable to levies for elementary school
or secondary school purposes, shall be paid by the portion
municipal corporation to the school boards that
would have been entitled thereto if the land had been
assessed and taxed in the usual way, and for the
purposes of this subsection the tenants of such
dwelling houses and farm properties shall be deemed
to be rated as tenants on the assessment roll of the
municipality.
- (7c) The valuations made under this section shall be used Use of
valuations
for com-
puting rates
for the purpose of computing county rates, school
rates and legislative grants in all respects as though
the properties valued were not exempt from taxation
for such purposes.

Pupil's
status

(7d) Where a school board is entitled to a payment under subsection 7b with respect to the property in which a pupil resides with his parent or guardian, any child whose parent or guardian is the tenant of the property shall be deemed to be a resident pupil under the jurisdiction of such school board.

Commence-
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An Act to amend
The Power Commission Act

1st Reading

March 15th, 1961

2nd Reading

March 22nd, 1961

3rd Reading

MR. MACAULAY

(*Reprinted as amended by the
Committee of the Whole House*)

BILL 118

**2ND SESSION, 26TH LEGISLATURE, ONTARIO
9-10 ELIZABETH II, 1960-61**

An Act to amend The Power Commission Act

MR. MACAULAY

TORONTO
PRINTED AND PUBLISHED BY FRANK FOGG, QUEEN'S PRINTER

BILL 118

1960-61

An Act to amend The Power Commission Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 7 of section 48 of *The Power Commission Act* is repealed and the following substituted therefor: R.S.O. 1960,
c. 300, s. 48,
subs. 7,
re-enacted

- (7) Subject to subsections 7a and 7b, the payments received under subsections 2, 3, 4 and 5 shall be credited by the municipal corporation to its general fund. Distribution
of payments,
municipal
portion
- (7a) The portion of the payments received under subsections 2, 3, 4 and 5 that is attributable to levies for county purposes shall be paid by the municipal corporation to the county that would have been entitled thereto if the land had been assessed and taxed in the usual way. Idem,
county
portion
- (7b) The portion of the payments received under subsection 2 in respect of dwelling houses, including farm properties, rented by the Commission to other persons that is attributable to levies for elementary or secondary school purposes, shall be paid by the municipal corporation to the school boards that would have been entitled thereto if the land had been assessed and taxed in the usual way, and for the purposes of this subsection the tenants of such dwelling houses and farm properties shall be deemed to be rated as tenants on the assessment roll of the municipality. Idem,
elementary
or secondary
school
portion
- (7c) The valuations made under this section shall be used for the purpose of computing county rates, school rates and legislative grants in all respects as though the properties valued were not exempt from taxation for such purposes. Use of
valuations
for com-
puting rates

Pupil's
status

(7d) Where a school board is entitled to a payment under subsection 7b with respect to the property in which a pupil resides with his parent or guardian, any child whose parent or guardian is the tenant of the property shall be deemed to be a resident pupil under the jurisdiction of such school board.

Commence-
ment

2. This Act shall be deemed to have come into force on the 1st day of January, 1961.

Short title

3. This Act may be cited as *The Power Commission Amendment Act, 1960-61*.

An Act to amend
The Power Commission Act

1st Reading

March 15th, 1961

2nd Reading

March 22nd, 1961

3rd Reading

March 29th, 1961

MR. MACAULAY

BILL 119

2ND SESSION, 26TH LEGISLATURE, ONTARIO
9-10 ELIZABETH II, 1960-61

An Act to amend The Ontario Water Resources Commission Act

MR. WARRENDER

EXPLANATORY NOTES

SECTION 1. The payments of the Commission for the employer's share of the cost of a pension plan to be established for its employees who are employed in connection with the operation of sewage or water works are included in the cost of a project. See section 2 of this Bill.

SECTION 2. The amendments provide for the establishment of a separate pension, welfare and life insurance plan for employees of the Commission who are employed in connection with the operation of sewage or water works and for the transfer of the credits of these employees from the Public Service Superannuation Fund to the new pension plan.

BILL 119

1960-61

An Act to amend The Ontario Water Resources Commission Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause g of section 1 of *The Ontario Water Resources Commission Act* is amended by inserting after "includes" in the second line "payments made by the Commission under subsection 3 of section 10 and", so that the clause shall read as follows:

R.S.O. 1960,
c. 281, s. 1,
cl. g,
amended

- (g) "cost" in relation to a project means the cost thereof as determined by the Commission and includes payments made by the Commission under subsection 3 of section 10 and interest during construction and such engineering fees and other charges and expenses in connection with construction as the Commission may determine, and such proportion of discounts, commissions and other charges and expenses in respect of the issue of debentures by the Commission as the Commission in its discretion may allocate to the project.

2. Subsection 2 of section 10 of *The Ontario Water Resources Commission Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 281, s. 10,
subs. 2,
re-enacted

- (2) *The Public Service Superannuation Act* applies to the permanent staff of the Commission, except members of the staff who are contributors to the pension plan established under subsection 3, as though the Commission had been designated by the Lieutenant Governor in Council under section 27 of that Act.
- (3) The Commission, subject to the approval of the Lieutenant Governor in Council, may enter into agreements to establish and provide, for any person

Employees'
super-
annuation
benefits
R.S.O. 1960,
c. 332

Pension
agreements
re water
works staff,
etc.

employed by the Commission in connection with the operation of sewage works or water works provided and operated by the Commission under this Act, a pension, welfare and life insurance plan, or any of them, and may pay the employer's share of the cost of any such plan.

Transfer
of credits
in Public
Service
Super-
annuation
Fund

- (4) Where an employee of the Commission referred to in subsection 3 who is a contributor to the Public Service Superannuation Fund becomes a contributor to a pension plan established under subsection 3, a sum of money equal to his contributions and credits in the Public Service Superannuation Fund or such portion thereof as the Public Service Superannuation Board, subject to the approval of the Lieutenant Governor in Council, determines, with interest at such rate as the Board, subject to the approval of the Lieutenant Governor in Council, determines, shall be paid out of the Fund into the pension plan established under subsection 3.

Deemed
payments
under
Part I of
R.S.O. 1960,
c. 332

- (5) Any money paid out of the Public Service Superannuation Fund under subsection 4 shall be deemed to be paid out of the Fund under Part I of *The Public Service Superannuation Act*.

R.S.O. 1960,
c. 281,
amended

3. The Ontario Water Resources Commission Act is amended by adding thereto the following section:

Interpre-
tation

28a.—(1) In this section, reference to the taking of water for use for domestic or farm purposes means the taking of water by any person other than a municipality or a company public utility for ordinary household purposes or for the watering of live stock, poultry, home gardens or lawns, but does not include the watering or irrigation of crops grown for sale.

Taking of
water
regulated

- (2) Notwithstanding any general or special Act or any regulation or order made thereunder and subject to subsection 3, no person shall take more than a total of 10,000 gallons of water in a day,
- (a) by means of a well or wells or excavation or excavations that are bored, drilled, dug or deepened after this section comes into force; or
- (b) by means of an inlet or inlets from a surface source of supply, where the inlet or inlets is or are first installed in the source of supply or is or are enlarged after this section comes into force; or

SECTION 3. The new section 28a provides for regulating the taking of water from any source of water supply. A permit is required where more than 10,000 gallons is taken in any day. The section does not apply to existing water systems or to water taken for use for domestic or farm or fire-fighting purposes.

SECTION 4. At present, the secretary of the Commission is also secretary of the investment committee. The amendment provides for the appointment by the Commission of a secretary for the committee.

SECTION 5. The amendment authorizes the Commission to make regulations to prohibit or regulate the addition of substances to water in lakes, etc.

SECTION 6. At present, the Commission may require municipalities or the appropriate local boards to carry out inspections of plumbing. The new section authorizes these bodies to charge fees for such inspections and to require the production of plans of proposed plumbing and to provide for the issuance of a permit without which the proposed plumbing cannot be constructed, repaired or altered.

(c) by means of a structure or works constructed after this section comes into force for the diversion or storage of water; or

(d) by any combination of the means referred to in clauses *a*, *b* and *c*,

without a permit issued by the Commission.

(3) Subsection 2 does not apply to the taking of water by any person for use for domestic or farm purposes or for fire fighting. Application to domestic and farm use

(4) The Commission may in its discretion issue, refuse to issue or cancel a permit, may impose such terms and conditions in issuing a permit as it deems proper and may alter the terms and conditions of a permit after it is issued. Permit

4. Subsection 3 of section 45 of *The Ontario Water Resources Commission Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 281, s. 45, subs. 3, ■ re-enacted

(3) The members of the investment committee may appoint a chairman and a vice-chairman from among their number and the Commission shall appoint a secretary for the investment committee. Officers

5. Subsection 1 of section 47 of *The Ontario Water Resources Commission Act* is amended by adding thereto the following clause: R.S.O. 1960, c. 281, s. 47, subs. 1, amended

(jj) prohibiting, regulating and controlling the addition of any substance to the water in any lake, river, pond, spring, stream, reservoir or other body of water.

6. *The Ontario Water Resources Commission Act* is amended by adding thereto the following section: R.S.O. 1960, c. 281, amended

47a. Where a municipality is required to carry out inspections with respect to plumbing, as prescribed by regulations made under section 47, the municipality may pass by-laws, Inspection by municipalities and local boards

(a) for charging fees for the inspections and fixing the amount of the fees;

(b) for requiring the production of plans of the plumbing to be constructed, repaired, renewed or altered and of the location of drains,

pipes, traps and other works or appliances that are or are to be part of or connected with the plumbing, and for charging fees for the inspection and approval of such plans, and fixing the amount of the fees; and for the issuing of a permit certifying to such approval and requiring that without such permit no such plumbing may be constructed, repaired, renewed or altered.

R.S.O. 1960,
c. 281,
amended

7. *The Ontario Water Resources Commission Act* is amended by adding thereto the following section:

Commission
as agent
for munici-
palities
R.S.O. 1960,
c. 81
1953-54,
c. 23 (Can.)

51. Notwithstanding *The Crown Agency Act*, where a sewage works is constructed with the assistance of a loan made under Part VIB of the *National Housing Act, 1954* (Canada), the Commission, in addition to exercising its powers as an agent of Her Majesty, may exercise its powers under this Act in connection with such sewage works as an agent of one or more municipalities.

Commence-
ment

8.—(1) This Act, except section 7, comes into force on the day it receives Royal Assent.

Idem

(2) Section 7 shall be deemed to have come into force on the 1st day of January, 1961.

Short title

9. This Act may be cited as *The Ontario Water Resources Commission Amendment Act, 1960-61*.

SECTION 7. The new section 51 is to remove any doubt that the Commission may exercise its powers in connection with sewage works as agent for the municipalities.

An Act to amend
The Ontario Water Resources
Commission Act

1st Reading

March 15th, 1961

2nd Reading

3rd Reading

MR. WARRENDER

BILL 119

2ND SESSION, 26TH LEGISLATURE, ONTARIO
9-10 ELIZABETH II, 1960-61

An Act to amend The Ontario Water Resources Commission Act

MR. WARRENDER

BILL 119

1960-61

An Act to amend The Ontario Water Resources Commission Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *g* of section 1 of *The Ontario Water Resources Commission Act* is amended by inserting after "includes" in the second line "payments made by the Commission under subsection 3 of section 10 and", so that the clause shall read as follows:

R.S.O. 1960,
c. 281, s. 1,
cl. *g*,
amended

- (*g*) "cost" in relation to a project means the cost thereof as determined by the Commission and includes payments made by the Commission under subsection 3 of section 10 and interest during construction and such engineering fees and other charges and expenses in connection with construction as the Commission may determine, and such proportion of discounts, commissions and other charges and expenses in respect of the issue of debentures by the Commission as the Commission in its discretion may allocate to the project.

2. Subsection 2 of section 10 of *The Ontario Water Resources Commission Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 281, s. 10,
subs. 2,
re-enacted

- (2) *The Public Service Superannuation Act* applies to the permanent staff of the Commission, except members of the staff who are contributors to the pension plan established under subsection 3, as though the Commission had been designated by the Lieutenant Governor in Council under section 27 of that Act.
- (3) The Commission, subject to the approval of the Lieutenant Governor in Council, may enter into agreements to establish and provide, for any person

Employees'
super-
annuation
benefits
R.S.O. 1960,
c. 332

Pension
agreements
re water
works staff,
etc.

employed by the Commission in connection with the operation of sewage works or water works provided and operated by the Commission under this Act, a pension, welfare and life insurance plan, or any of them, and may pay the employer's share of the cost of any such plan.

Transfer
of credits
in Public
Service
Super-
annuation
Fund

- (4) Where an employee of the Commission referred to in subsection 3 who is a contributor to the Public Service Superannuation Fund becomes a contributor to a pension plan established under subsection 3, a sum of money equal to his contributions and credits in the Public Service Superannuation Fund or such portion thereof as the Public Service Superannuation Board, subject to the approval of the Lieutenant Governor in Council, determines, with interest at such rate as the Board, subject to the approval of the Lieutenant Governor in Council, determines, shall be paid out of the Fund into the pension plan established under subsection 3.

Deemed
payments
under
Part I of
R.S.O. 1960,
c. 332

- (5) Any money paid out of the Public Service Superannuation Fund under subsection 4 shall be deemed to be paid out of the Fund under Part I of *The Public Service Superannuation Act*.

R.S.O. 1960,
c. 281,
amended

3. *The Ontario Water Resources Commission Act* is amended by adding thereto the following section:

Interpre-
tation

28a.—(1) In this section, reference to the taking of water for use for domestic or farm purposes means the taking of water by any person other than a municipality or a company public utility for ordinary household purposes or for the watering of live stock, poultry, home gardens or lawns, but does not include the watering or irrigation of crops grown for sale.

Taking of
water
regulated

- (2) Notwithstanding any general or special Act or any regulation or order made thereunder and subject to subsection 3, no person shall take more than a total of 10,000 gallons of water in a day,
- (a) by means of a well or wells or excavation or excavations that are bored, drilled, dug or deepened after this section comes into force; or
- (b) by means of an inlet or inlets from a surface source of supply, where the inlet or inlets is or are first installed in the source of supply or is or are enlarged after this section comes into force; or

(c) by means of a structure or works constructed after this section comes into force for the diversion or storage of water; or

(d) by any combination of the means referred to in clauses *a*, *b* and *c*,

without a permit issued by the Commission.

(3) Subsection 2 does not apply to the taking of water by any person for use for domestic or farm purposes or for fire fighting. Application to domestic and farm use

(4) The Commission may in its discretion issue, refuse to issue or cancel a permit, may impose such terms and conditions in issuing a permit as it deems proper and may alter the terms and conditions of a permit after it is issued. Permit

4. Subsection 3 of section 45 of *The Ontario Water Resources Commission Act* is repealed and the following substituted therefor: R.S.O. 1960, c. 281, s. 45, subs. 3, re-enacted

(3) The members of the investment committee may appoint a chairman and a vice-chairman from among their number and the Commission shall appoint a secretary for the investment committee. Officers

5. Subsection 1 of section 47 of *The Ontario Water Resources Commission Act* is amended by adding thereto the following clause: R.S.O. 1960, c. 281, s. 47, subs. 1, amended

(jj) prohibiting, regulating and controlling the addition of any substance to the water in any lake, river, pond, spring, stream, reservoir or other body of water.

6. *The Ontario Water Resources Commission Act* is amended by adding thereto the following section: R.S.O. 1960, c. 281, amended

47a. Where a municipality is required to carry out inspections with respect to plumbing, as prescribed by regulations made under section 47, the municipality may pass by-laws, Inspection by municipalities and local boards

(a) for charging fees for the inspections and fixing the amount of the fees;

(b) for requiring the production of plans of the plumbing to be constructed, repaired, renewed or altered and of the location of drains,

pipes, traps and other works or appliances that are or are to be part of or connected with the plumbing, and for charging fees for the inspection and approval of such plans, and fixing the amount of the fees; and for the issuing of a permit certifying to such approval and requiring that without such permit no such plumbing may be constructed, repaired, renewed or altered.

R.S.O. 1960,
c. 281,
amended

7. *The Ontario Water Resources Commission Act* is amended by adding thereto the following section:

Commission
as agent
for munici-
palities
R.S.O. 1960,
c. 81
1953-54,
c. 23 (Can.)

51. Notwithstanding *The Crown Agency Act*, where a sewage works is constructed with the assistance of a loan made under Part VIB of the *National Housing Act, 1954* (Canada), the Commission, in addition to exercising its powers as an agent of Her Majesty, may exercise its powers under this Act in connection with such sewage works as an agent of one or more municipalities.

Commence-
ment

8.—(1) This Act, except section 7, comes into force on the day it receives Royal Assent.

Idem

(2) Section 7 shall be deemed to have come into force on the 1st day of January, 1961.

Short title

9. This Act may be cited as *The Ontario Water Resources Commission Amendment Act, 1960-61*.

An Act to amend
The Ontario Water Resources
Commission Act

1st Reading

March 15th, 1961

2nd Reading

March 22nd, 1961

3rd Reading

March 29th, 1961

MR. WARRENDER

BILL 120

**2ND SESSION, 26TH LEGISLATURE, ONTARIO
9-10 ELIZABETH II, 1960-61**

An Act to authorize the Payment of Residential and Farm School Tax Assistance Grants to School Boards

MR. ROBARTS

EXPLANATORY NOTE

Self-explanatory.

BILL 120

1960-61

An Act to authorize the Payment of Residential and Farm School Tax Assistance Grants to School Boards

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) For the purpose of reducing the school tax on resi- Residential and farm school tax assistance grant may be paid in each year to each school board in Ontario on a per pupil basis according to the average daily attendance for the preceding year out of such moneys as may be appropriated therefor by the Legislature.

(2) Notwithstanding any other Act, the Lieutenant Governor in Council may make regulations for the purposes of this Act, Regulations

- (a) providing for the reduction of school taxes on residential and farm assessment having regard to the grants paid to school boards under this Act;
- (b) prescribing the method of determining rates applicable to residential and farm assessment and commercial assessment;
- (c) defining residential and farm assessment and commercial assessment;
- (d) requiring the levying of such rates on the whole of the assessment for real property and business assessment for public, separate and secondary school purposes;
- (e) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

(3) Any regulation made under subsection 2 may be general Application of regulations or particular in its application or limited as to time of application or otherwise.

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The Residential and Farm School Tax Assistance Grants Act, 1960-61*.

An Act to authorize the Payment of
Residential and Farm School Tax
Assistance Grants to School Boards

1st Reading

March 15th, 1961

2nd Reading

3rd Reading

MR. ROBARTS

BILL 120

2ND SESSION, 26TH LEGISLATURE, ONTARIO
9-10 ELIZABETH II, 1960-61

An Act to authorize the Payment of Residential and Farm School Tax Assistance Grants to School Boards

MR. ROBERTS

(Reprinted for consideration by the Committee of the Whole House)

EXPLANATORY NOTE

Self-explanatory.



BILL 120

1960-61

An Act to authorize the Payment of Residential and Farm School Tax Assistance Grants to School Boards

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) For the purpose of reducing the school tax on residential and farm properties, a residential and farm school tax assistance grant may be paid in each year to each school board in Ontario on a per pupil basis according to the average daily attendance for the preceding year out of such moneys as may be appropriated therefor by the Legislature.

(2) Notwithstanding any general or special Act, the Lieutenant Governor in Council may make regulations for the purposes of this Act,

- (a) providing for the reduction of school taxes on residential and farm assessment having regard to the grants paid to school boards under this Act;
- (b) prescribing the method of determining rates applicable to residential and farm assessment and commercial assessment;
- (c) defining residential and farm assessment and commercial assessment;
- (d) requiring the levying of such rates on the whole of the assessment for real property and business assessment for public, separate and secondary school purposes;
- (e) providing for the determination of provincial equalizing factors;
- (f) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

Application
of
regulations

(3) Any regulation made under subsection 2 may be general or particular in its application or limited as to time of application or otherwise.

Effective
date of
regulations

(4) The Lieutenant Governor in Council may provide that any regulation made under this section shall be deemed to have come into force on the 1st day of January, 1961.

Regulations
to prevail

(5) In the event of conflict between any regulation made under this Act and any provision of any other general or special Act, the regulation prevails.

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The Residential and Farm School Tax Assistance Grants Act, 1960-61*.

An Act to authorize the Payment of
Residential and Farm School Tax
Assistance Grants to School Boards

1st Reading

March 15th, 1961

2nd Reading

March 23rd, 1961

3rd Reading

MR. ROBARTS

(Reprinted for consideration by the
Committee of the Whole House)

BILL 120

2ND SESSION, 26TH LEGISLATURE, ONTARIO
9-10 ELIZABETH II, 1960-61

An Act to authorize the Payment of Residential and Farm School Tax Assistance Grants to School Boards

MR. ROBERTS

BILL 120

1960-61

An Act to authorize the Payment of Residential and Farm School Tax Assistance Grants to School Boards

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) For the purpose of reducing the school tax on residential and farm properties, a residential and farm school tax assistance grant may be paid in each year to each school board in Ontario on a per pupil basis according to the average daily attendance for the preceding year out of such moneys as may be appropriated therefor by the Legislature. Residential
and farm
school tax
assistance
grant

(2) Notwithstanding any general or special Act, the Lieutenant Governor in Council may make regulations for the purposes of this Act, Regulations

- (a) providing for the reduction of school taxes on residential and farm assessment having regard to the grants paid to school boards under this Act;
- (b) prescribing the method of determining rates applicable to residential and farm assessment and commercial assessment;
- (c) defining residential and farm assessment and commercial assessment;
- (d) requiring the levying of such rates on the whole of the assessment for real property and business assessment for public, separate and secondary school purposes;
- (e) providing for the determination of provincial equalizing factors;
- (f) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

- Application of regulations (3) Any regulation made under subsection 2 may be general or particular in its application or limited as to time of application or otherwise.
- Effective date of regulations (4) The Lieutenant Governor in Council may provide that any regulation made under this section shall be deemed to have come into force on the 1st day of January, 1961.
- Regulations to prevail (5) In the event of conflict between any regulation made under this Act and any provision of any other general or special Act, the regulation prevails.
- Commencement **2.** This Act comes into force on the day it receives Royal Assent.
- Short title **3.** This Act may be cited as *The Residential and Farm School Tax Assistance Grants Act, 1960-61*.

An Act to authorize the Payment of
Residential and Farm School Tax
Assistance Grants to School Boards

1st Reading

March 15th, 1961

2nd Reading

March 23rd, 1961

3rd Reading

March 29th, 1961

MR. ROBARTS

BILL 121

2ND SESSION, 26TH LEGISLATURE, ONTARIO
9-10 ELIZABETH II, 1960-61

An Act to authorize the Raising of Money on the Credit of the Consolidated Revenue Fund

MR. ALLAN (Haldimand-Norfolk)

BILL 121

1960-61

An Act to authorize the Raising of Money on the Credit of the Consolidated Revenue Fund

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) The Lieutenant Governor in Council is hereby authorized to raise from time to time by way of loan such sum or sums of money as may be deemed expedient for any or all of the following purposes: for the public service, for works carried on by commissioners on behalf of Ontario, for discharging any indebtedness or obligation of Ontario or for reimbursing the Consolidated Revenue Fund for any moneys expended in discharging any indebtedness or obligation of Ontario, for making any payments authorized or required by any Act to be made out of the Consolidated Revenue Fund or for reimbursing the Consolidated Revenue Fund for any payments so authorized or required, and for the carrying on of the public works authorized by the Legislature; provided that the principal amount of any securities issued and sold for the purpose of raising any sum or sums of money by way of loan authorized by this Act together with the amount of any temporary loans raised under this Act, to the extent that such temporary loans are from time to time outstanding or have been paid from the proceeds of securities issued and sold under the authority of *The Financial Administration Act* for the purpose of such payment, shall not exceed in the aggregate \$100,000,000.

Loans up to
\$100,000,000
authorized

R.S.O. 1960,
c. 142

(2) The sum or sums of money authorized to be raised by subsection 1 for the purposes mentioned therein shall be in addition to all sums of money authorized to be raised by way of loan under any other Act.

2. Any such sum or sums may be raised in any manner provided by *The Financial Administration Act* and shall be raised upon the credit of the Consolidated Revenue Fund and shall be chargeable thereupon.

Commence-
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The Ontario Loan Act, 1960-61*.

An Act to authorize the Raising of
Money on the Credit of the
Consolidated Revenue Fund

1st Reading

March 24th, 1961

2nd Reading

3rd Reading

MR. ALLAN (Haldimand-Norfolk)

BILL 121

2ND SESSION, 26TH LEGISLATURE, ONTARIO
9-10 ELIZABETH II, 1960-61

An Act to authorize the Raising of Money on the Credit of the Consolidated Revenue Fund

MR. ALLAN (Haldimand-Norfolk)

BILL 121

1960-61

An Act to authorize the Raising of Money on the Credit of the Consolidated Revenue Fund

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) The Lieutenant Governor in Council is hereby authorized to raise from time to time by way of loan such ^{Loans up to \$100,000,000 authorized} sum or sums of money as may be deemed expedient for any or all of the following purposes: for the public service, for works carried on by commissioners on behalf of Ontario, for discharging any indebtedness or obligation of Ontario or for reimbursing the Consolidated Revenue Fund for any moneys expended in discharging any indebtedness or obligation of Ontario, for making any payments authorized or required by any Act to be made out of the Consolidated Revenue Fund or for reimbursing the Consolidated Revenue Fund for any payments so authorized or required, and for the carrying on of the public works authorized by the Legislature; provided that the principal amount of any securities issued and sold for the purpose of raising any sum or sums of money by way of loan authorized by this Act together with the amount of any temporary loans raised under this Act, to the extent that such temporary loans are from time to time outstanding or have been paid from the proceeds of securities issued and sold under the authority of *The Financial Administration Act* for ^{R.S.O. 1960, c. 142} the purpose of such payment, shall not exceed in the aggregate \$100,000,000.

(2) The sum or sums of money authorized to be raised by ^{Idem} subsection 1 for the purposes mentioned therein shall be in addition to all sums of money authorized to be raised by way of loan under any other Act.

2. Any such sum or sums may be raised in any manner ^{Idem} provided by *The Financial Administration Act* and shall be raised upon the credit of the Consolidated Revenue Fund and shall be chargeable thereupon.

Commence-
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The Ontario Loan Act, 1960-61*.

An Act to authorize the Raising of
Money on the Credit of the
Consolidated Revenue Fund

1st Reading

March 24th, 1961

2nd Reading

March 27th, 1961

3rd Reading

March 29th, 1961

MR. ALLAN (Haldimand-Norfolk)

BILL 122

2ND SESSION, 26TH LEGISLATURE, ONTARIO
9-10 ELIZABETH II, 1960-61

An Act for granting to Her Majesty certain sums of
money for the Public Service for the fiscal years
ending the 31st day of March, 1961, and the
31st day of March, 1962

MR. ALLAN (Haldimand-Norfolk)

BILL 122

1960-61

An Act for granting to Her Majesty certain sums of money for the Public Service for the fiscal years ending the 31st day of March, 1961, and the 31st day of March, 1962

MOST GRACIOUS SOVEREIGN:

WHEREAS it appears by messages from the Honourable John Keiller Mackay, Lieutenant Governor of the Province of Ontario, and the Honourable Dana Harris Porter, Administrator of the Government of the Province of Ontario, and from the estimates accompanying the same, that the sums mentioned in the schedules to this Act are required to defray certain expenses of the public service of this Province, not otherwise provided for, for the fiscal year ending the 31st day of March, 1961, and for the fiscal year ending the 31st day of March, 1962, and for other purposes connected with the public service; may it therefore please Your Majesty that it be enacted and it is hereby enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, as follows:

1. In addition to the sum of \$879,485,400 granted by *The Supply Act, 1960*, there may be paid out of the Consolidated Revenue Fund a sum not exceeding in the whole \$5,463,000 to be applied towards defraying the several charges and expenses of the public service, not otherwise provided for, from the 1st day of April, 1960, to the 31st day of March, 1961, as set forth in Schedule A to this Act, and such sum shall be paid and applied only in accordance with the votes and items of the supplementary estimates upon which such schedule is based. Preamble
\$5,463,000
granted for
fiscal year
1960-61

2. There may be paid out of the Consolidated Revenue Fund a sum not exceeding in the whole \$1,004,083,500 to be applied towards defraying the several charges and expenses of the public service, not otherwise provided for, from the 1st day of April, 1961, to the 31st day of March, 1962, as set forth in Schedule B to this Act, and such sum shall be paid and \$1,004,083,500
granted for
fiscal year
1961-62

applied only in accordance with the votes and items of the estimates and supplementary estimates upon which such schedule is based.

Accounting
for
expenditure

3. The due application of all moneys expended under this Act shall be accounted for to Her Majesty.

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Supply Act, 1960-61*.

SCHEDULE A

Department of Education	\$ 1,000,000
Department of Health	3,463,000
Treasury Department	1,000,000
	<hr/>
	\$ 5,463,000
	<hr/>

SCHEDULE B

Department of Agriculture	\$ 17,138,000
Department of the Attorney General	22,383,000
Department of Commerce and Development	15,078,000
Department of Economics	453,000
Department of Education	255,368,000
Department of Energy Resources	610,000
Department of Health	136,275,000
Department of Highways	267,916,000
Department of Insurance	449,000
Department of Labour	14,563,000
Department of Lands and Forests	25,088,000
Office of the Lieutenant Governor	21,000
Department of Mines	3,423,000
Department of Municipal Affairs	91,538,000
Department of the Prime Minister	162,000
Office of the Provincial Auditor	448,000
Department of the Provincial Secretary and Citizenship	3,567,500
Department of Public Welfare	63,387,000
Department of Public Works	55,347,000
Department of Reform Institutions	17,941,000
Department of Transport	5,163,000
Department of Travel and Publicity	2,094,000
Treasury Department	5,671,000
	<hr/>
	\$1,004,083,500
	<hr/>

An Act for granting to Her Majesty certain sums of money for the Public Service for the fiscal years ending the 31st day of March, 1961, and the 31st day of March, 1962

1st Reading

March 29th, 1961

2nd Reading

March 29th, 1961

3rd Reading

March 29th, 1961

MR. ALLAN (Haldimand-Norfolk)

MAY 21 1965

